United States Court of Appeals

for the

District of Columbia Circuit

TRANSCRIPT OF RECORD

BRIEF ON BEHALF OF APPELLANT

IN THE

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA

No. 8598 581

WILLIAM MORRILL PARKER, *Appellant,*

v.

CONWAY P. COE, Commissioner of Patents, *Appellee.*

Appeal from the District Court of the United States for the District of Columbia.

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COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA

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Appeal from the District Court of the United States for the District of Columbia.

BRIEF ON BEHALF OF PLAINTIFF-APPELLANT.

I. JURISDICTIONAL STATEMENT.

The complaint (Tr. 2) in this action was filed on November 18, 1941 against appellee, a resident of the District of Columbia in his official capacity as Commissioner of Patents, seeking an authorization directed to the appellee to issue a patent on appellant's application for patent as provided by Section 4915 of the Revised Statutes, U. S. C. Title 35, Sec. 63, and by the Act of February 9, 1893 C74, 27 Stat.

434 as amended and as incorporated in the Code of the District of Columbia (1940 E. D.) Title 17, Chapter 1, Sec. 101.

II. STATEMENT OF THE CASE.

This is an appeal by appellant from a judgment (Tr. 10) of the District Court of the United States for the District of Columbia dismissing the complaint (Tr. 2) praying the Court to authorize the issuance of a patent to the appellant.

On March 7, 1938 appellant filed his application for patent (Tr. 47) upon his invention for Insulated Outlet Receptacle and Junction Box and Units, Serial Number 194,327. After due proceedings had, the application was finally rejected by the Examiner (Tr. 85). An appeal to the Board of Appeals of the Patent Office (Tr. 94) was filed on December 18, 1940 who, on May 19, 1941, affirmed (Tr. 110) the decision of the Examiner.

The case was tried on April 1, 1943. The lower court rendered its opinion (Tr. 6) and made its findings of fact (Tr. 8), affirming the action of the Examiner and of the Board of Appeals of the Patent Office in denying appellant's claims. Notice of appeal was filed on June 28, 1943 (Tr. 10).

III. POINTS INVOLVED.

The prior art of record in this case comprises the following patents (Tr. 46):

Patentee	*Patent No.*	*Granted*
McGowan	838,886	Dec. 18, 1906
Noyes	2,042,620	June 2, 1936
Kettron	2,113,918	April 12, 1936

The lower court relied only upon McGowan and Noyes. The question therefore involved on this appeal is whether the claims of the Parker application before this Court are patentable over these references including Kettron. The lower court held that they were not. We submit that the decree of the lower court should be reversed primarily because of the following four errors:

> 1. The lower court erroneously held that there was no invention in appellant's construction even though it found that the combination contained a new element. The lower court said, Tr. 7:
>
> > "The raised portions or, as the plaintiff terms it, 'a bridge' is new."
>
> 2. While the lower court found (Tr. 10) that appellant's device had "great" commercial success it was an error to infer, and contrary to the record of this case to assert, that that success was not due to the "novel bridge element" of the combination.
>
> 3. In its 6th finding of fact (Tr. 9) the lower court erroneously found that the clamping member L of the Noyes patent 2,042,620 is "held in position by screws". This is not supported by either the description or claims of the Noyes patent.
>
> 4. Also in its 6th finding of fact (Tr. 9) the lower court erroneously found that the device of the Noyes patent 2,042,620 is an outlet box. The teachings of the Noyes patent are clearly to the contrary.

The lower court conceded that the combination defined by the claims on appeal embodies a new element. Obviously then, there is no anticipation by any or all of the patents relied upon of the combination defined by those claims.

It is a fundamental principle of patent law that a claim for "a new combination of old elements * * *" which produces

> "an old result in a more facile, economical and efficient way may be protected by patent as securely as a new machine or composition of matter. Seymour v. Osborne, 11 Wall. 516, 542, 548, 20 L. Ed. 33; Gould v. Rees 15 Wall. 187, 189, 21 L. Ed. 39; Thomson v. Bank 53 Fed. 250, 252, 3 C. C. A. 518, 520, 10 U. S. App. 500,

> 509" National Hollow Brake Beam Co. v. Interchangeable Brake Beam Co. 106 F. (2d) 693.

But here appellant has invented a combination of elements one of which is conceded to be new. With such a combination courts should not strike down claims therefor unless the lack of invention is very clear. A combination of elements, some new and some old, should receive a liberal construction. *Edwards Mfg. Co.* v. *National Fireworks Distributing Co.* 272 Fed. 23, 26 (C. C. A. 6); *Voices* v. *Uneeda Doll Co.* 32 F. (2d) 673, 675 (C. C. A. 2).

Claims.

The complaint sought a patent including six claims. However, claims 35 and 36 were withdrawn at the trial (Tr. 16). Therefore, the claims on appeal are:

> "27. In an article of manufacture as described comprising, in combination, an outlet box of insulating material, having sides which are circumferential shape with a unit base of the same material and containing openings in said base and sides, beneath said side openings are certain raised concave ridges shaped to hold a cylindrical cable and containing indentures and raised portions capable of gripping said cable and containing on each side of said ridges a hole, to receive a screw, a metal convex clamp containing like holes and capable of being held over said ridge and cable by screws through said holes fastening the cable in place in said container.
>
> "28. In an article of manufacture as described, comprising, in combination, an outlet box of Bakelite material, and containing openings in said base and sides, beneath said base and side portions are certain raised ridges shaped to hold a cable and containing indentures and raised portions capable of gripping said cable and containing on each side of said ridges a hole to receive a screw, a metal clamp containing like holes and capable of being held over said ridge and cable by screws through said holes fastening the cable in place in said container, said box also containing two ridges the depth of said box and capable of holding screws to fasten said box to a wall.

"33. In an article of manufacture as described comprising, in combination, a one piece outlet box of moulded "BAKELITE" material, having cylindrical sides, with a flat base, said sides having four openings equally spaced to receive cables and having beneath said openings and on the sides thereof a raised concave portion of considerable depth and thickness with the center upward section thereof containing raised pinlike points and the ends of said portions containing a threaded hole therein to receive screws of a convexed clamping portion.

"34. In an article of manufacture as described comprising, in combination, a unit outlet box of moulded "BAKELITE" composition, having cylinderical sides, with a flat base, said sides having multiple openings equally spaced to receive cables and having beneath said openings and on the inside thereof a raised concave section of considerable depth and thickness with the top surfaces of said section having a raised needle point effect and the ends of said surface containing threaded holes therein to receive the screws of a convexed clamping portion."

IV. SUMMARY OF ARGUMENT.

The problems which appellant's box solved was how to construct an insulated outlet or junction box

(a) with no exposed metallic parts which could cause a short circuit,

(b) with a clamping means which would securely clamp a cable within the box so that no stapling of the cable was necessary adjacent the box,

(c) the clamp to provide no exposed screws which could cause a short circuit,

(d) the clamping means so located that a maximum of space remains within the box, and

(e) a box having the above features and withal so constructed that it could be molded in one piece and in one molding operation, resulting in a minimum cost of production in its manufacture.

In solving the above combined problems a box was devised having a new element, in the form of a clamping "bridge", which is conceded by the lower court. The creation of a box which solved all of the problems enumerated and includes a new element as a part of the box combination involved invention.

The box of the invention has had "great" commercial success, which the court also conceded. Such success could not have been achieved if a new box of meritorious and inventive construction had not been involved.

The prior art patents do not teach the invention. The box of the McGowan patent had to be substantially reconstructed by the lower court in order to provide many elements of the claimed structure and even when so reconstructed, the court conceded that the resulting box lacks the "bridge" element of the claimed structure. The Noyes patent, which has a cable clamping structure, is not a box and the patent itself says the very object of its construction is to eliminate a box. If the clamping structure of Noyes is transferred to the McGowan box as proposed, the McGowan box must be reconstructed beyond all recognition to receive the same; and furthermore, the clamping structure of Noyes would then be located in a box or an environment wholly different from the socket terminal of Noyes. Also it still would lack appellant's bridge.

The Kettron patent is evidence that it involved invention to produce appellant's box. When Kettron attempted to solve the problems faced by appellant he produced a wholly inadequate box so far as securely holding the cables is concerned and providing anchorage for all cables which may enter the box. Kettron's box is also an expensive box, that is, one which must be molded in two pieces and the two parts assembled.

V. ARGUMENT.

(a) Appellant's Application.

Appellant's application as filed is shown in Pltff's Ex. 1 (Tr. 47-58). At the trial Figs. 5, 6, 7 and 8 (Tr. 57-58 and Tr. 128, 129) were withdrawn (Tr. 16). The invention upon which this appeal is based is defined in claims 27, 28, 33 and 34 of which claim 27 is typical. In considering claim 27 and in describing appellant's construction hereinafter, reference will be made, for convenience, to Figures A to F at the end of this brief.

Claim 27 is readable upon the drawings as follows:

> "An article of manufacture as described comprising, in combination, an outlet box (10) of insulating material, having sides which are circumferential shape with a unit base of the same material and containing openings in said base and sides,".

The opening (13) is in the base and the openings (15) are distributed around the sides. These knockout openings are initially sealed by a thin integral seal or wall which is broken open only if a wire or cable K is to be projected therethrough. Continuing,

> "beneath said side openings 15 are certain raised concave ridges" (15)

or bridges

> "shaped to hold a cylindrical cable and containing indentures and raised portions capable of gripping said cable and containing on each side of said ridges a hole, (unnumbered) to receive a screw, (20) a metal convex clamp (19) containing like holes and capable of being held over said ridge (15) and cable (K) by screws (20) through said holes fastening the cable in place in said container."

The cable is, therefore, clamped within the box between the ridge or bridge (15) and the metal convex clamp (19).

(b) Appellant's Novel Construction.

The drawings at the end of this brief, show in Figs. A to D, the box used as an *outlet* box, i.e., electrically connected to an electrical device such as the plug socket outlet S illustrated in these figures, and in Figs. E and F the box used as a *junction* box that is, as a junction where two or more cables are coupled or connected together. In describing appellant's construction reference will be made, for convenience to said Figs. A to F. The boxes 10, shown in Figs. A to F are exactly the same as the box 10 shown in appellant's application drawings as filed but show further the steps by which an electrician connects up the wiring at the box. The reference numerals used on the drawings as filed have been employed to designate the same parts in the figures at the end of this brief. The only difference is that the figures at the end of this brief contain some additional reference characters in order to facilitate a better understanding of appellant's invention.

The subject matter defined by the claims in issue is an *outlet* or *junction* box for use in electric wiring systems. In the use of either, the box 10 is secured within the wall of a building before it is plastered, and the cables K are run to the box and clamped therein, the electrician leaving six to ten inches of extra length of cable for splicing or connection with the electrical device, as will appear hereinafter. The box may be used upon the surface of a wall as an exposed box.

Referring in more detail to Figures A to F, the box 10 is cup-shaped and has knockout openings 15 in the side wall through which the electric wires or cables K pass. The openings 15 are initially sealed with breakable walls so that if one opening only is needed the others may be left sealed. In order to hold the cable K securely in place there is provided a clamping means for engaging the cable, said clamping means being located adjacent to each of said openings 15 and immediately inside of the box. This clamping means consists of a concaved portion 16 or "bridge" molded integral with the side and bottom walls of the box, which materially strengthens the latter, and a separate, juxtaposed and preferably metallic, concave cable clamping member 19 connected or secured to the integral bridge member by means of screws 20 which are received in threaded holes provided at each end of the bridge member. The bridge member is deep or thick enough so that the metallic screws will not go through said member (Tr. 24) and project from the bottom. Short circuiting through the screws is thereby avoided. The box is therefore a completely insulated unit (Tr. 29).

The cable K passes between and is adapted to be engaged by the cooperating concaved portion of the bridge member 16 and the clamping element 19 which securely clamps the cable to the box. The integral "bridge" member 16 has its concaved cable engaging surface roughened or provided with projections for the purpose of engaging the cable more effectively when the clamping element 19 is moved into clamping position by means of the screws 20. The clamping element 19 is also equipped with a skirt member 21 (see Figs. A and E) which serves to close any space left by the cable at the opening 15 when the clamping member is in normal position engaging the cable which passes through said opening. A cover, such as shown by the reference numberal 29 in Figs. C and D is then attached as by screws W.

From the foregoing it will be seen that plaintiff's outlet box, except for the clamping element 19, screws 20 and screws W is made entirely of insulating material including the clamping bridge, without any exposed metallic parts to create a short circuit and is so constituted that it can be and is molded in one operation. The invention enabled a saving of something like 250,000 to 300,000 pounds of rubber (Tr. 33) and between one and two million pounds of steel (Tr. 34). Being made of insulating material the box lends itself admirably to the use of covered neutral cable (Tr. 35). If this record reveals anything, it is the fact that no one has ever made an outlet box (of the type defined by the claims on appeal) which is so inexpensive, so adaptable and more serviceable and by mechanical means of such "winning simplicity". See *Kurtz* v. *Belle Hat Lining Co.* 280 Fed. 277, 282 (C. C. A. 2).

In *K-W Ignition Co. et al.* v. *Temco Electric Motor Co.* 243 Fed. 588 (C. C. A. 6) the Court said:

> "The merit and simplicity of the Thompson device were immediately recognized, and it promptly went into extensive use. Salesmen, before seeing it and without the use of any advertising matter, found many ready buyers. The demands of the trade exceeded the ability to supply it. *Although its parts are old, they have been so brought together as to produce in a new way a better result than had been attained by anything that preceded it in the art.* It is a narrow patent, but it involves invention and is valid." (Emphasis ours)

Note that in the Thompson device all "its parts are old" whereas in appellant's device there is a *new element* (clamping "bridge") of the combination. This Thompson patent later came before the United States Supreme Court in the case of *Temco Electric M. Co.* v. *Apco Mfg. Co.* 275 U. S. 319, 72 L. Ed. 298 in which Judge Taft, speaking for the Supreme Court, made the following observation at pages 324 and 300 respectively of those reports.

> "The district judge in Ohio in the K-W Ignition Co. case was affected in his decision that the Thompson patent involved invention, by the way in which the public eagerly took it and its marked success, and so, indeed, was the circuit court of appeals of the sixth circuit. So are we."

(c) How Appellant's Box is Used.

As stated before, a junction box and an outlet box are the same, differing only in their use and in the cover fastened over the open end of the box. A junction box (see Figures E and F) is one in which a live cable, having a pair of wires connected with the live electrical supply mains, brings the electrical energy into the box. These live wires are connected with at least one and usually with two or more feeder cables, depending upon the capacity of the box, each cable having two feeder wires going to a fixture some distance away such as a light fixture, a socket unit, switch or any other common electrical device.

In the junction box there may be as many as four pairs or eight wires connected together therein and the junction box of Figures E and F show three cables K or three pairs of wires electrically connected together. The way this is accomplished in appellant's box is to clamp the cable for the insulated live wires and the cable for the feeder wires in the box by the clamping means 16 and 19 provided, then cut the wires so that five to eight inches of each pair of insulated wires extend beyond the clamp and out the open face or side. The insulation is stripped from the ends of the metallic wires and they are then joined together. The exposed ends of the metallic wires are then taped and the projecting wires are then tucked back into the box (Fig. F). The long ends of the wires are necessary in order to give the electrician enough wire to work with. It will be observed therefore that the junction box provides a receptacle for holding the clamping means and the long ends of these wires.

An outlet box (see Figures A-D herein) is the same kind of box but it receives a plug socket unit such as S, switch, light fixture or other electrical device. In the outlet box, the cable with its pair of live wires from the supply mains are brought into the box and clamped in position. The electrician then cuts the cable approximately six inches from the clamp which end projects out of the open face of the box. At least one other cable K with a pair of feeder wires is also projected into the box in the same manner and clamped and cut with about six inches of additional length. This feeder pair may go to a light which may have a pair of wires. Another pair of feeder wires also may be provided extending to a plug socket unit located some distance away. In such a common connection four cables or eight pairs of wires are provided. A plug socket S is shown in the box of

Figures A-D connected with four of these wires and if other wires are provided they are spliced together and taped. This plug socket with the wire ends is then pushed into the outlet box and the socket is fastened therein. See Fig. C.

It will be observed, therefore, that a junction box and outlet box must have sufficient internal volume or capacity to receive the switch, and the lengths of wire needed by the electrician to effectively make the necessary connections. The connection described is a simple one between two cables only and a fixture, and often there is one or even two other pairs of wires which are spliced and contained in the box. The size of the box could be increased but this materially increases the cost of dies to mold the box and materially increases the quantity of Bakelite needed and both factors increase the cost of the box. The primary problem therefore in constructing a molded box is to make the part including the clamping means of such size and so located that a maximum of volumetric space remains within the box. In accomplishing this result appellant also solved the problem of making a box completely insulated without projecting metallic screws, strengthened the bottom and side wall with his bridge or ridge structure, and making the bottom of such form and with the bridge so located that the box could be molded in one operation.

(d) Appellant's Invention, Its Standing in and Contribution to the Art, and Its Commercial History.

Appellant's outlet or junction box provides a firm clamp for the wires or cables within the box so that stapling of each cable within six inches of the box is not needed but is required by the Underwriters for such boxes as Noyes which do not have clamping means or have inadequate clamping means (Tr. 30). In order to staple or stake the cable the specified distance from the box additional structure must be provided which Parker describes (Tr. 30) and Noon testifies (Tr. 45) as to the additional labor needed, in the following:

> "Q. It is not necessary, is it, under the underwriters' requirements, to anchor the plaintiff's box?
>
> A. No, you can go a greater distance away with a box with a clamp like that in it. It cuts down time by half in using this box. In these buildings the joists are further separated. It used to be around 16 inches, and have gone up to 24 inches now, and it would mean we would have to put on a man to nail up battens in view of the section of the underwriters' code which says we must staple within six inches of a box.
>
> Q. How about the Noyes?
>
> A. On the Noyes we get 12 to 18 inches back and use a staple bar hanger to come over and fasten them in there physically."

Appellant's box does not require such sub-structure and saves the labor of the man who would build it because of his adequate clamping means.

Outlet boxes at the time of appellant's invention were largely metallic boxes and they are still used today. Such metallic boxes are objectionable in that the metal is a good conductor of electricity and consequently an exposed wire touching it will create a short circuit and the resulting flame is a fire hazard. Such metal boxes also corrode under the action of moisture which exists in all walls of any type or kind of building, and also under the corrosive fumes (Tr. 50) which frequently are present in industrial buildings.

Appellant's object is to construct an outlet and junction box which is completely insulated, thereby eliminating any danger of short circuits and their attendant fire hazard, and which is not affected by moisture or by corrosive fumes so that the box will last indefinitely or at least as long as the building in which it is installed remains standing. Furthermore a molded outlet or junction box of insulating material materially reduces the cost of producing a box since most of the parts of the box and in appellant's box all parts, except the clamp plate and screws, are molded in one operation.

The problem in making a molded box is to so position and so shape all parts with relation to the whole and to each other that the finished molded box may be withdrawn from the mold or dies. This requires that there be no lateral indentations since they would prevent the withdrawal of the molded article from the dies. It is because of this limitation on any molded article that the separate wire anchoring or securing rib or web 27 of the Kettron patent 2,113,918 (Tr. 124) with its lateral holes 28 must be made as a separate part and fastened therein in some fashion as a separate operation. The lateral holes 28 prevent this web from being molded with the box in one operation. The Kettron box must be made in two separate molding operations and requires as well a separate assembling and fastening operation.

In appellant's outlet box, on the other hand, it has been designed to firmly clamp a cable or wire within the box, the clamps being so located that they do not occupy an undue amount of space, and the ridges or bridges 16 being so located that they form an integral part of the bottom and side walls of the box so constructed and located that any pull upon the wire, and hence upon the clamp and bridge, is distributed through the bridge to both the side and bottom walls of the box. The bridge, being made of insulating material, is non-short circuiting. In addition to all of these advantages the design is such that the complete box is formed in one molding operation.

J. H. Parker testified (Tr. 24 and 26) that the bridge element 16 of the box is new, and that

> "thousands and thousands (of these boxes) are being used in this housing proposition of the United States Government." (Parenthesis ours)

W. M. Parker testified (Tr. 32) that at Parkersburg, West Virginia, he employs 275 people directly or indirectly engaged 100 per cent on Government work and producing all boxes that can be produced notwithstanding that certain special jobs on parts equipment have been subcontracted to an outside molder, with a production total of 21,000 outlet boxes per day and with shipments to England, Iceland and

Alaska. With respect to the invention W. M. Parker testified as follows (Tr. 35):

> "Q. What do you claim is the new element in your invention?
>
> A. The new element in our invention is the combination of the knockout, of the clamp, and of the raised barrier being an integral part of a plastic molded box whereby the box becomes an insulated box under all conditions of installation, that the screws cannot go through to ground, or short circuit, but by the combination of those you are able to build a box which clamps this type of cable in the box and permits us cheaply, economically and safely to meet the underwriters' requirements for the so-called ground neutral insulated wiring system.
>
> Q. Does your box meet that requirement?
>
> A. Absolutely, and, incidentally, is the only box on the market with a clamp in that connection."

W. M. Parker also testified (Tr. 41) that it is the bridge element (16) which makes his box a commercial article:

> "The Court (interposing): By 'bridge' what do you mean?
>
> The Witness: This raised thing (indicating) which makes the idea a commercial article, sir, in combination."

The assertion, therefore, of the lower court that the success of appellant's box was not due to the "novel bridge element" is contrary to the overwhelming weight of the testimony of record in this case.

From the foregoing it is apparent that the trade has eagerly accepted the Parker box. Its manufacturers are making about 21,000 boxes a day (Tr. 32) in order to fill the demand. The following from *Wire Wheel* v. *Silver, Inc.* 266 Fed. 221, 227 (DC SDNY) is pertinent here:

> "Commercial success, as the courts have repeatedly observed, may arise from many other reasons than a new inventive idea. Without trying to lay down any exhaustive definition of the conditions where it may be

> helpful, I can very generally say that its main value is in cases where the existing means have for some time been unsatisfactory, and where the new step has at once answered the need and displaced what went before. When to this is added the fact that others have earlier tried to reach the same result, the proof becomes telling, and we hesitate to substitute our own judgment for the objective evidence that the new thing was not so easy to make as it looked."

The attempts of another who has earlier tried to reach the same result will be discussed hereinafter.

The prior art situation in the instant case is like that of the case of *Craft-Stone, Inc.* v. *Zenitherm Co.*, 22 F. (2d) 401 (C. C. A. 3). See the following at page 402:

> "The patentee invented a new and useful product, and it is not permissible for an infringer to go to the prior art and defeat the patent by selecting the various elements of the patentee's process from different patents, bring them together, and say that this aggregation anticipates. Knowledge after the event is always easy, and problems once solved present no difficulties. Loom Co. v. Higgins, 105 U. S. 580, 26 L. Ed. 1177; Diamind Rubber Co. etc. v. Consolidated Rubber Tire Co., 220 U. S. 428, 31 S. Ct. 444, 55 L. Ed. 527."

(e) The Prior Art.

Noyes 2,042,620.

The lower court considered the structure of the Noyes patent (Tr. 14) to be a box. It will be observed at once from Figure 4 that it is impossible to connect another wire with the stripped ends of the wire. Clearly there is no cavity within which extended ends of pairs of wires can be tucked into the shallow cross cavities provided nor is it intended by the patentee that it be so provided. Note what the patentee says on page 2, column 1, lines 48 through 57 (Tr. 123) where he says:

> "As soon as the assembly of the block G-H is completed, *whatever loose length of the cables E and F is*

> *available is then pushed back into the wall space through the space C2, and the assembled block G-H installed in that space* with its clips or ear pieces M registering with cooperatively over-bent flanges, as Q, which are merely a part of the web of the plate C struck up and over-bent to permit the formation of the cutaway space C2." (Emphasis ours)

The lower court in its opinion (Tr. 7) relies upon an inaccurate understanding of the clamp of the Noyes patent in the following:

> "The Noyes patent shows an electric circuit terminal structure in which the electric cables or wires are held by clamping members *held in position by screws,* the abutting portions, to which the cables are clamped, being hollowed out." (Emphasis ours)

and also relies upon an inaccurate understanding of its operation

> "The clamping member is similar to that of the plaintiff's *and the cables are clamped similarly in the concave portions of the box".* (Emphasis ours)

The Noyes patent (Tr. 123), on the other hand, describes its clamping means on page 2, column 1, lines 20 through 23 as follows:

> "And in one of these Bakelite blocks, as for example H, *there are preferably also imbedded, during the fabrication thereof, anchorage elements, as L."*

Noyes describes the operation of these clamping elements in the rest of the sentence,

> "designed, *when the blocks are drawn into juxtaposition, to clampingly seize the exposed or scraped ends of the power wires,* so as to prevent their withdrawal even when considerable pull is exerted lengthwise thereof." (Emphasis ours)

In other words, the clamping element L is not fastened by screws nor is it tightened by screws but is held in position by being imbedded in the block when it is molded. The clamping of a cable occurs *only when the two blocks are assembled together so that the block G presses against the clamp L and the cable is gripped in the concave passage.* In other words the Noyes device must be closed before any clamping action of the wires is obtained. It is very clear that the lower court misunderstood the construction of the Noyes patent, with respect to the construction of the clamp L and with respect to the operation thereof.

That the clamping action in Noyes is effected by the cooperating parts G and H of his terminal block is made manifest by the following from claim 1 of his patent (Tr. 123):

> "means straddling the channel in the first block to grip the cable *when the blocks are secured together,* means for securing said blocks together, etc." (Emphasis ours)

and by the following from claim 2 of his patent (Tr. 123):

> "a metal strap straddling the channel in the first block to grip the cable *when the blocks are secured together,* screws for fastening said blocks together *and to provide the gripping force for said strap.*" (Emphasis ours)

The lower court also misunderstood the Noyes construction with respect to its being a box, since it is nothing more than a terminal or socket device which appellant may use within his own outlet box and appellant has designed his outlet box to receive such or a similar terminal unit. The Noyes invention is a *terminal block* designed so that a conventional box such as appellant's, could be dispensed with. Noyes describes this in his specification (Tr. 122) column 1, lines 1-13 as follows:

> "This invention * * * has for its object an improved organization of parts, by *means of which the now generally used though cumbersome and needlessly large boxes may be dispensed with* in favor of a much less expensive, more compact and more readily installable terminal connection, * * *" (Emphasis ours.)

Plainly and manifestly Noyes was headed in a direction opposite to that of appellant. Parker testified (Tr. 23) that the Bakelite blocks of the Noyes patent is not an outlet box and also that the surrounding bracket or structure C of the Noyes patent constitutes in effect a box (Tr. 35):

> "A. In the first place, that Noyes patent does not cover an outlet box. The equivalent of an outlet box is this steel in here (indicating). I can hardly describe it.
>
> Q. Will you point to it.
>
> A. I think it is C."

This bracket C is not intended to hold or contain the ends of spliced wires, which the patent describes are pushed into the wall space, but only to support the terminal blocks G and H and hence cannot fulfill the function of a box.

The Noyes patent shows merely a concave passage which must be provided to bring the cable wires into the terminal device. The lower court held that Noyes does not show appellant's "bridge." Furthermore Noyes is capable of clamping one size of cable only whereas appellant's clamping means is designed to clamp various sizes and styles of cable.

(f) McGowan Jr. 838,866.

The date of the issuance of this patent (Tr. 119) is pertinent to the question of invention in the construction of appellant's box. This patent issued in 1906 or more than thirty years before appellant's invention. It is impossible to mold this box because it could not be removed from the dies after molding. Also it is a cast iron box and hence is not an insulated device. All that this patent shows so far as it is pertinent to appellant's outlet box, and the Patent Office uses it for this purpose only, is that a screw clamps the cable adjacent to the opening into the outlet box.

With respect to the clamping screw C of this patent, the lower court in its opinion (Tr. 7) says that:

> "It shows clamping screws to engage and fasten the electric cable. However, these screws pass through the

> cable and may be injurious to it and interfere with proper insulation."

In its findings of fact (Tr. 9) it also says:

> "The set screw in operation may be injurious to the cable in that it may interfere with the insulation thereof."

The opinion and finding are fully supported by the testimony of the three witnesses (Tr. 27, 38 and 44). As stated by Noon a practical electrician in this field (Tr. 44):

> "A. I have seem something similar to Magowan, that is, the underwriters cancelled the use of it.
>
> Q. What was that due to?
>
> A. Due to the set screws that pierced the cables and because it short circuits on the ground systems."

In other words, the end of the screw would dig into the insulation of the wire or cable and expose or contact the metallic wires therein and short circuit the wire through the screw to the box.

The lower court in denying an invention in appellant's outlet box proposes to completely revise the McGowan construction.

From these two patents, the lower court concludes as follows (Tr. 9):

> "7. The bridge, which is recited in claim 27 as a raised concave ridge, is new, but there was no invention in substituting the bridge and clamp set forth in plaintiff's claims for the cable holding means of the McGowan patent, in view of the teaching of the Noyes patent."

In making this reconstruction the court must completely change the construction of the McGowan and the Noyes patents. In the first place the outlet opening or thimbles of McGowan must be turned from an inclined to a horizontal position. Then one-half of the thimble must be removed. Then, instead of imbedding a clamping plate in the molded material as described by Noyes and instead of obtaining clamping action by pressing against the clamping plate by a cover structure as taught by Noyes, the clamping plate must be provided with clamping screws for independently operating the clamping plate and for securing the same in position on the bridge within the outlet box. And lastly the remaining half of the McGowan thimble must be raised to form a "bridge" which is deep enough so that the screw will not project through the bottom and be exposed. Exposed screw ends projecting from the bottom would create a danger of a short circuit and fire. That no patent shows a bridge was conceded by the lower court. It is submitted that this involves a complete revision of both the McGowan and the Noyes patent in a manner wholly foreign to the teachings of either patent and requires further an addition of a "new" element or bridge. This reconstruction of the devices of these two patents is not taught in the prior art and its suggestion is found only in appellant's construction.

That such reconstruction is not obvious and involves invention is apparent by a consideration of the Kettron patent who attempted to solve the problem of molding an insulated outlet box and provide wire anchorage means in a wholly different manner even though the McGowan patent was in the prior art for more than thirty years prior to the filing by Kettron of his patent application in 1936 as will now be discussed. Although the lower court did not rely upon or make any use of the Kettron patent it will now be discussed in some detail.

(g) Kettron 2,113,918.

With the McGowan patent in the prior art for thirty years, Kettron in his patented construction (Tr. 124) attempted to solve the problem of making an insulated, molded box and provide adequate anchorage means for the cable. He molds his box out of ceramic material in order to obtain a completely insulated box. An outlet hole 21 is provided through which the wires or cables are extended.

For anchorage means Kettron provided a web 27 having holes 28 therethrough. As previously discussed lateral holes cannot be provided in a molded article because the portions or pins of the die which would form the holes 28 would become irremovably imbedded in the holes (Tr. 30). Kettron therefore made the web 27 of a separate part so that he had two molding operations, one for the box and one for the web with separate dies to mold each. Furthermore in producing the finished box, Kettron had, in addition, an assembly operation in that the web must be inserted and adequately anchored within the box (Tr. 31). He was also confronted with the problem of providing an anchorage means which did not take up too much of the space within the box which was needed for the ends of the wires. Furthermore, the anchoring means of the Kettron patent was weak and would not stand the test required by the Underwriters Laboratories, hence did not solve the problem which appellant's outlet box did solve, that is, a firm anchorage for the wires. The wire anchoring web will break under test, as testified by Parker (Tr. 31).

> "In this particular sample, which is one that we tested, and I believe will show to be the case with practically all those made, due to the fact that there is a warpage of 3/1000 of an inch in this piece (indicating), when you lay it on there you are not going to get the glaze to stick.
>
> "The result is that when we place this under the underwriters' test, and put the wires through the groove, it broke, due to the fact that this end wasn't glazed. The other end was. Only one end was glazed to it."

In addition to the Kettron construction providing inadequate anchorage for the wires or cables, the witness testified (Tr. 31) that this web took up too much room within the box, that it was difficult to insert the wires through the holes because of the inadequate space to manipulate the wires, but a greater detriment was the fact that this anchorage web only provided five holes. Since each cable comprises a pair of wires this outlet box could provide anchorage for only two cables or four wires, and for only one wire of a third cable. If it were necessary to connect two additional feeder cables with four additional wires there would be only one hole remaining so that three of the wires must be left unanchored. This box, therefore, could not fulfill the Underwriters' requirements that all cables be anchored. Appellant's construction, on the other hand, firmly anchors all four cables of two wires each and by locating each bridge at the edge and bottom of the box, a minimum of space is taken up within the box thereby leaving ample room for the wires.

Again appellant's bridge is so located that it forms an integral part of the bottom and side of the box (Tr. 35). So constructed any pull on the cable is transmitted from the bridge to the sides and walls of the box to give strength thereto and a firm anchorage for each cable. It is submitted that the patentee Kettron when he proceeded to make an insulated outlet box with the McGowan patent in the prior art for thirty years and the Noyes patent issuing a few months before he filed his application, learned nothing from these two patents and the prior knowledge, but produced instead the box of his patent. If it is obvious to combine the structure of the McGowan patent and the old clamp plate illustrated by the Noyes patent in the manner recited by the lower court, why did Kettron evolve the complex and inadequate box shown in his patent which requires two separate molding operations, a separate assembly operation, anchorage for only five wires when he may need anchorage for eight wires and in addition a wholly insecure anchorage? Certainly if appellant's construction did not involve invention why then did Kettron, in his attempt to solve the problem, produce an outlet box so different from appellant's and having the many disadvantages enumerated? The conclusion seems self-evident that it did involve invention to produce appellant's construction, otherwise Kettron would have produced a like box or one having greater similarity to appellant's box.

In the case of *In re Earle & Steinmayer,* 102 F. (2d) 232, the C. C. P. A. quoted with approval the following from the case of *Rosemary Mfg. Co.* v. *Halifax Cotton Mills, Inc.,* 257 Fed. 321:

> "In many inventions there are two distinct steps: First, the conception of the general result wished for; second, the discovery of a way of obtaining it. In a large majority of cases, perhaps, the first may be obvious to every one interested in a particular art, and it is the second which calls for the exercise of inventive genius. But that is not always so. It may well be that two or more machines, appliances, or tools are old and well known. Some day it dawns on some one that, if they are combined, new and useful results will be obtained. It may be that, so soon as the advantages of the combination are understood, the means of bringing it about are within the capacity of any fairly skilled mechanic. In a third class of cases inventive genius may be required both in perceiving the combination that is desirable, and in finding out a practical way of making it."

The case of *Refractolite Corporation et al.* v. *Prismo Holding Corporation et al.,* 117 F. (2d) 806, (C. C. A. 2) is particularly pertinent to the facts and question of patentability involved here particularly with respect to the McGowan, Noyes and Kettron attempts

> "Thus the situation is that once—twenty-one years before—and again—five years before—an inventor tried his hand at 'reflex-reflecting' road signs and in each case failed to return a maximum of emitted light, regardless of the angle of incidence upon the screen. It seems to us that this should be enough, especially considering the fact that the need had existed over the whole period and that Gill's invention has met with substantial success. *Nothing is easier in patent litigation than to confuse a trifling physical change with the ingenuity demanded for its discovery;* and this we think is an instance. Road signs to be useful have to be cheap; signs such as Gomez's cost too much for general use, even if they worked at all angles of approach,

> which they do not. Venner's disclosure was apparently still-born. With such a history behind him it appears to us that Gill was entitled to rank as an inventor. Yale Hook & Eye Co. v. Waldes Koh-I-Noor, Inc., 2 Cir., 68 F. 2nd 908, 909; International Cellucotton Products Co. v. Sterilek Co., 2 Cir., 94 F. 2nd 10, 13."
> (Emphasis ours)

VI. CONCLUSION.

The record in this case clearly shows that others had attempted to produce a completely insulated, molded outlet box with adequate cable clamping means without success. Under such circumstances, when supported by substantial commercial success, invention will be upheld even though the physical change is not great or even "trifling". As discussed hereinbefore it is clear that the physical change made by appellant is more than trifling and withal includes a new element or "bridge" in the combination of the box.

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PLAINTIFF'S BOX USED AS AN OUTLET BOX
AND WIRED TO A DUPLEX PLUG SOCKET S

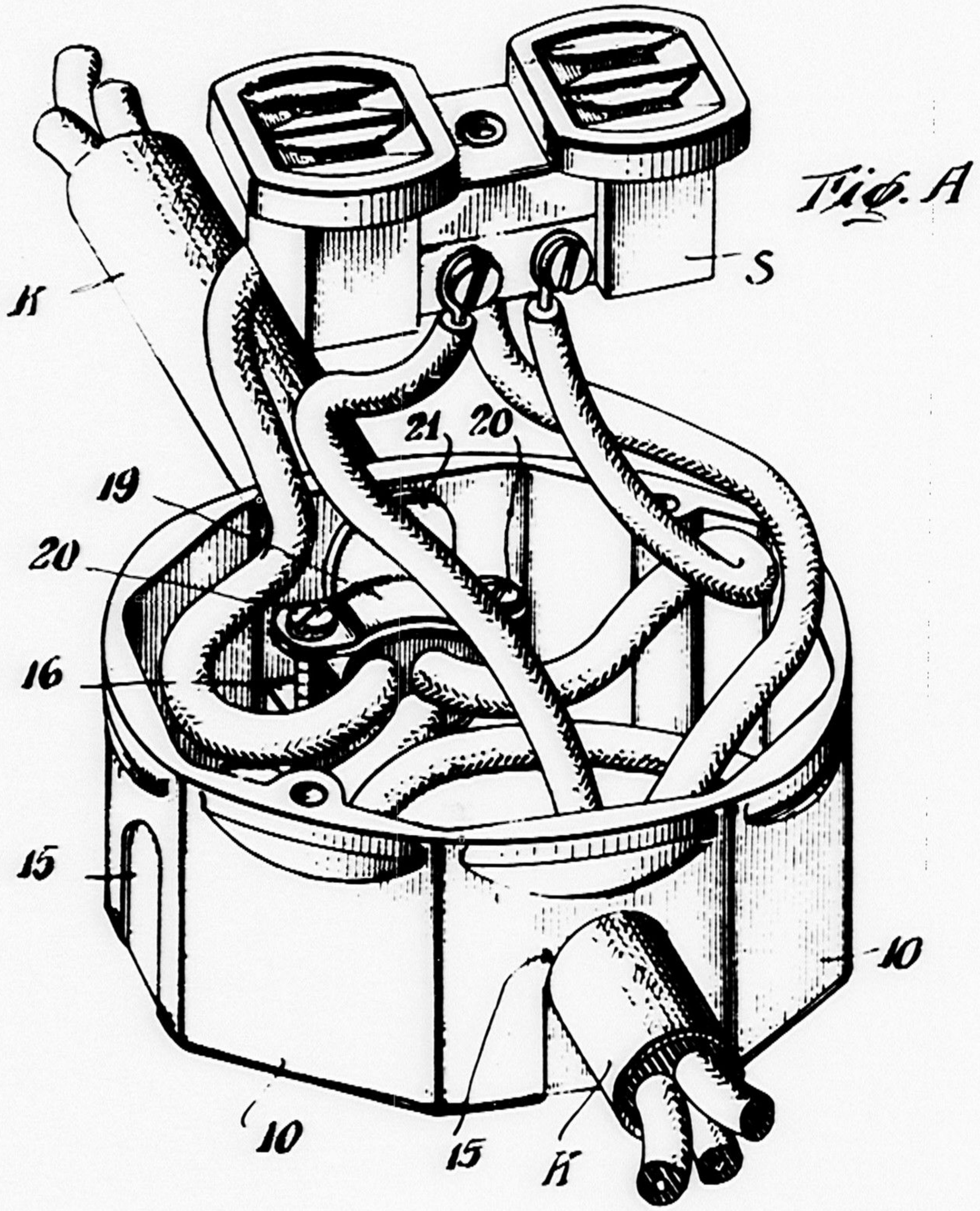


Fig. A

OUTLET BOX WITH PLUG SOCKET AND WIRES NESTED IN BOX.

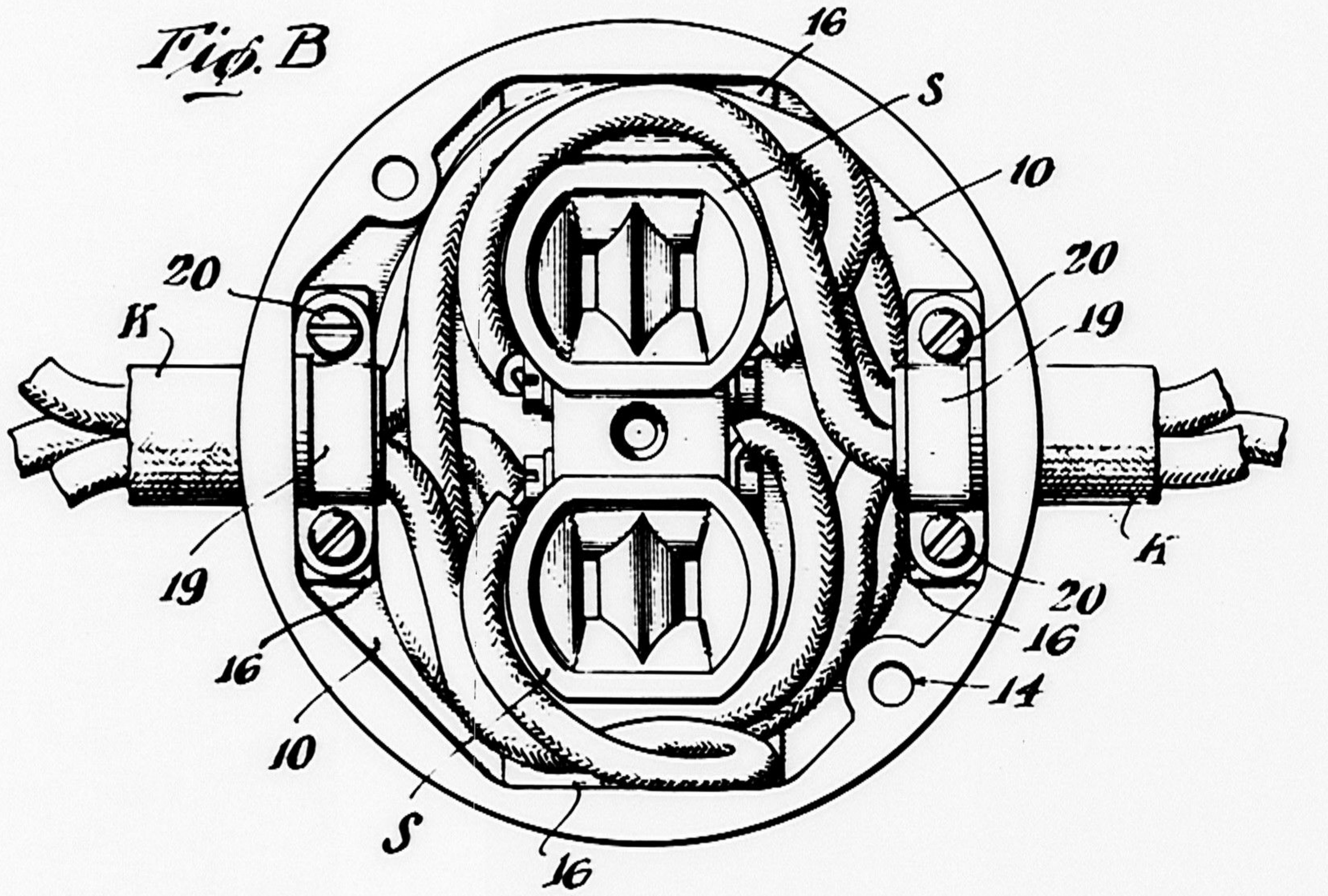


Fig. B

OUTLET BOX WITH COVE

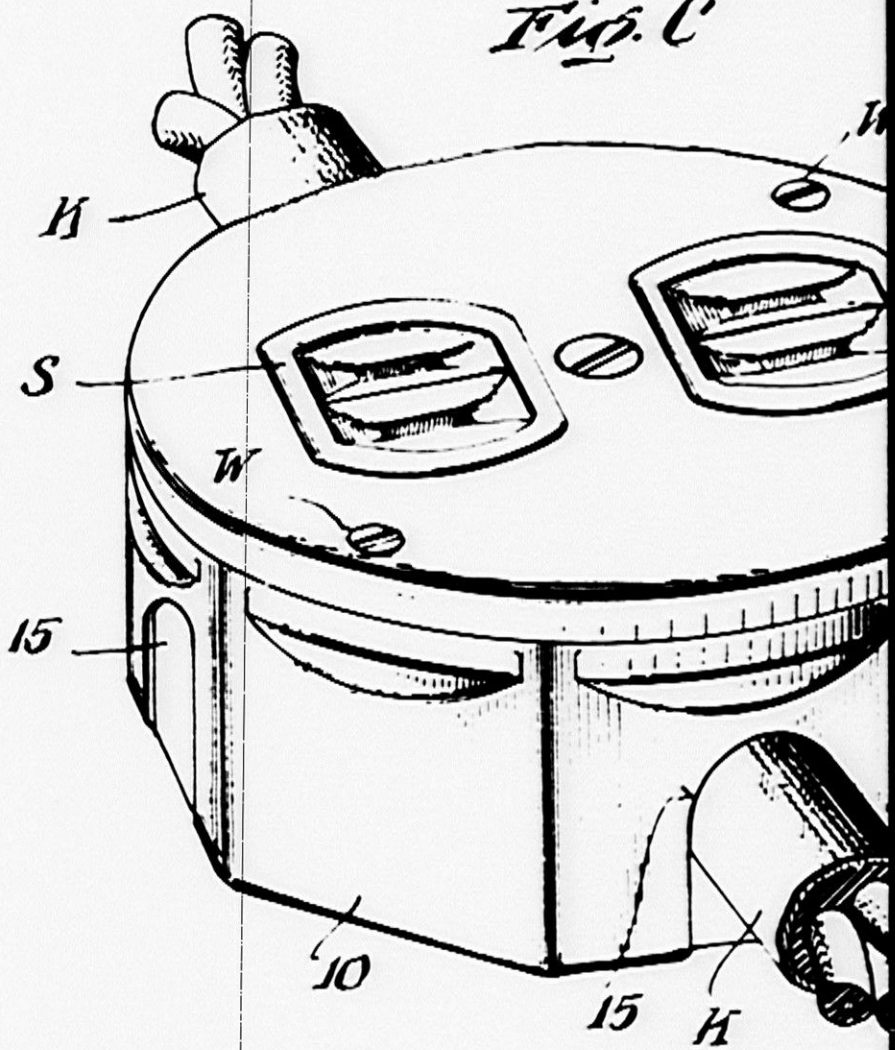
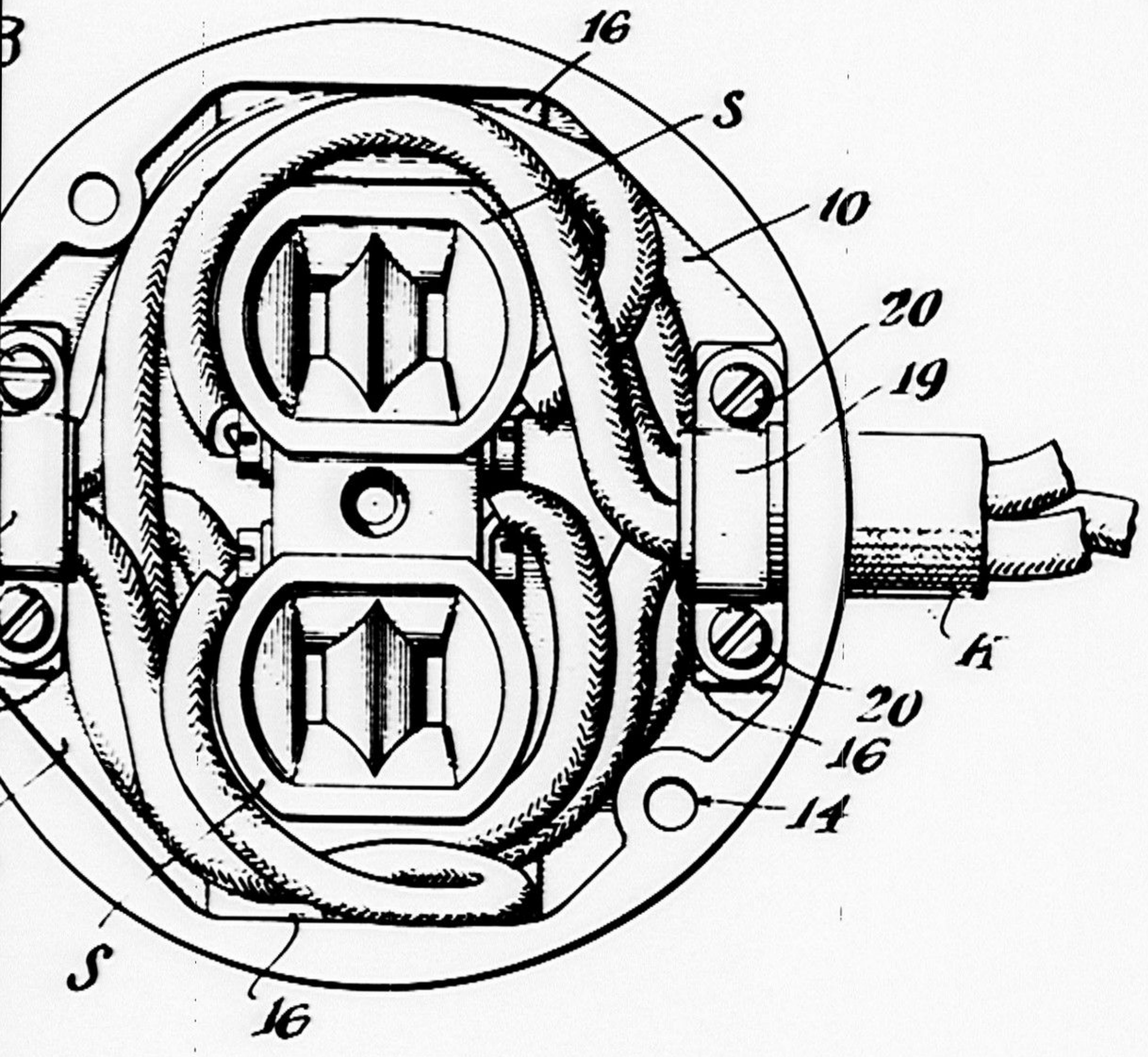


Fig. C

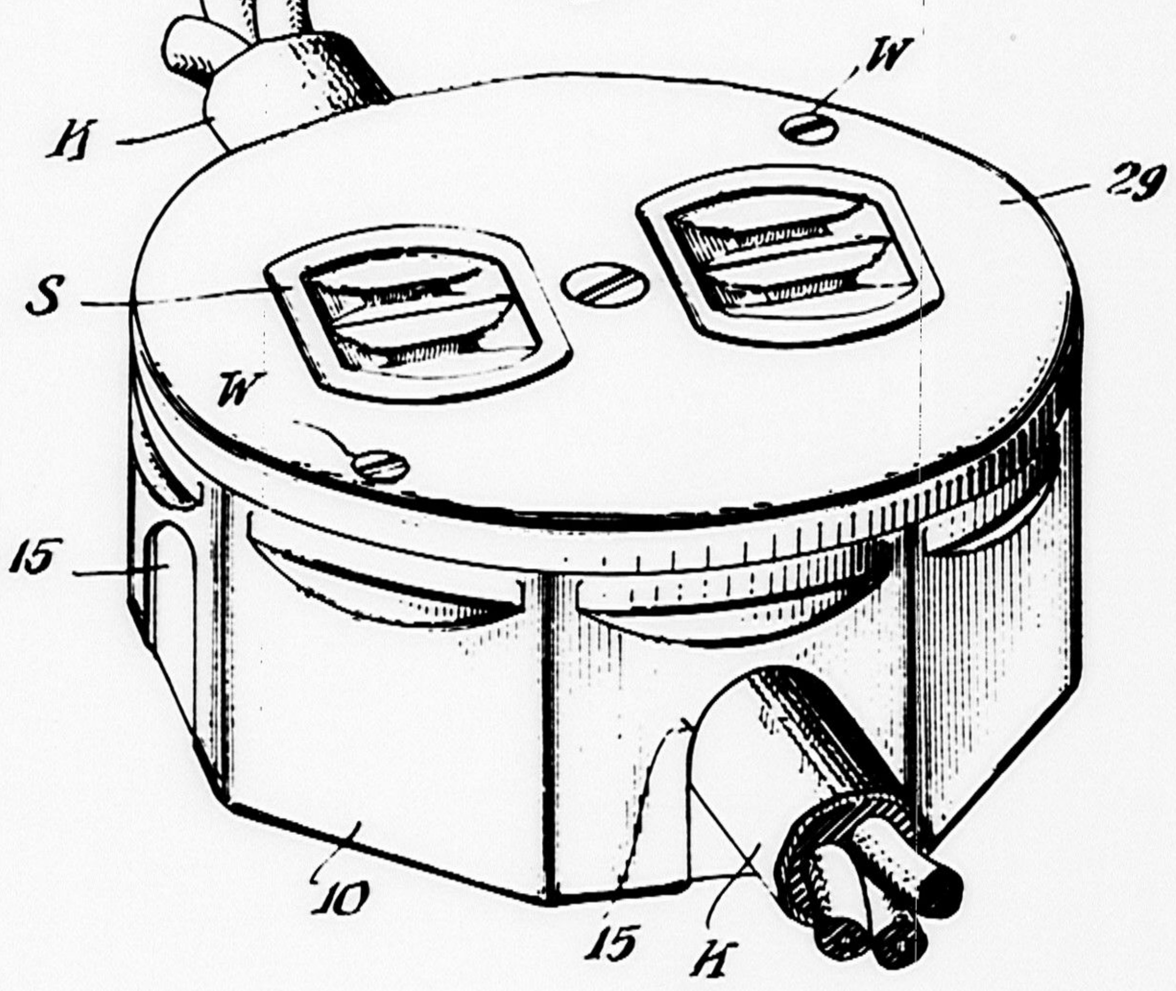
WITH PLUG SOCKET AND WIRES NESTED IN BOX.

B



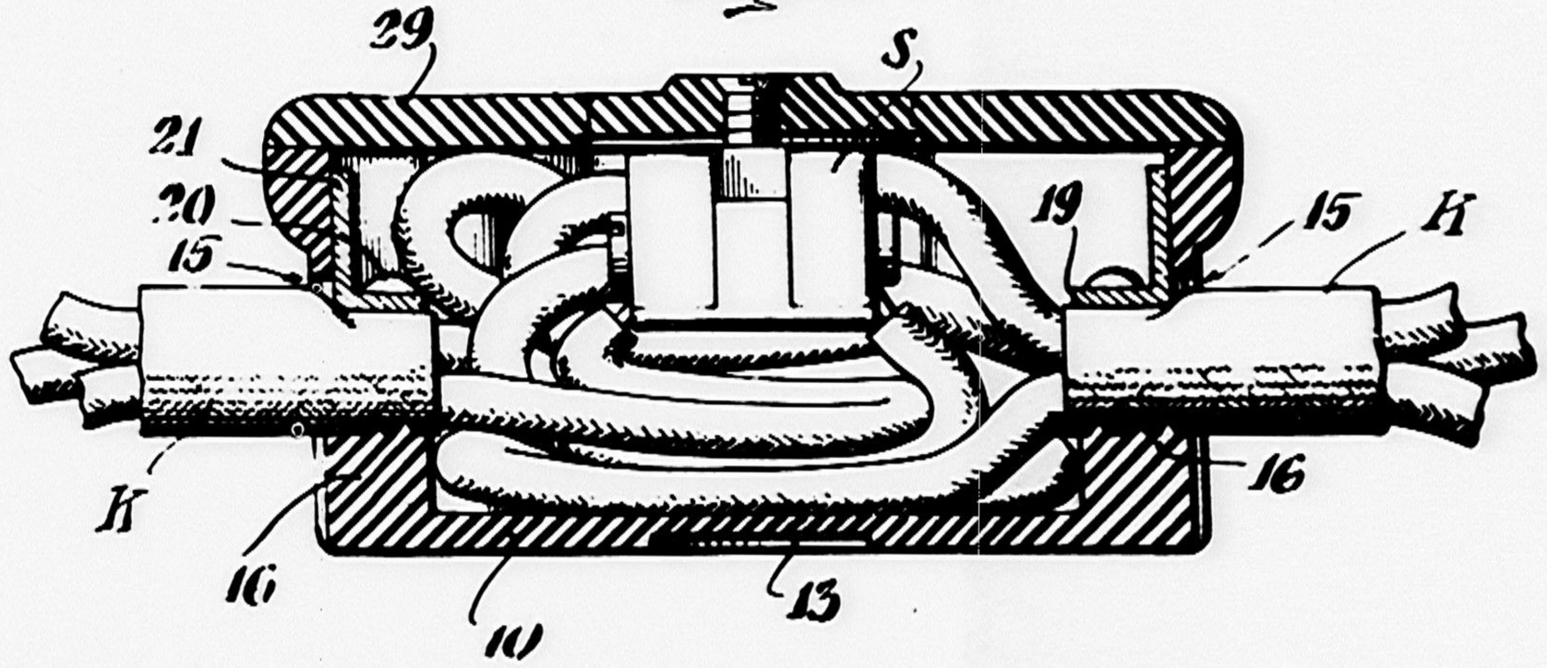
OUTLET BOX WITH COVER ON

Fig. C



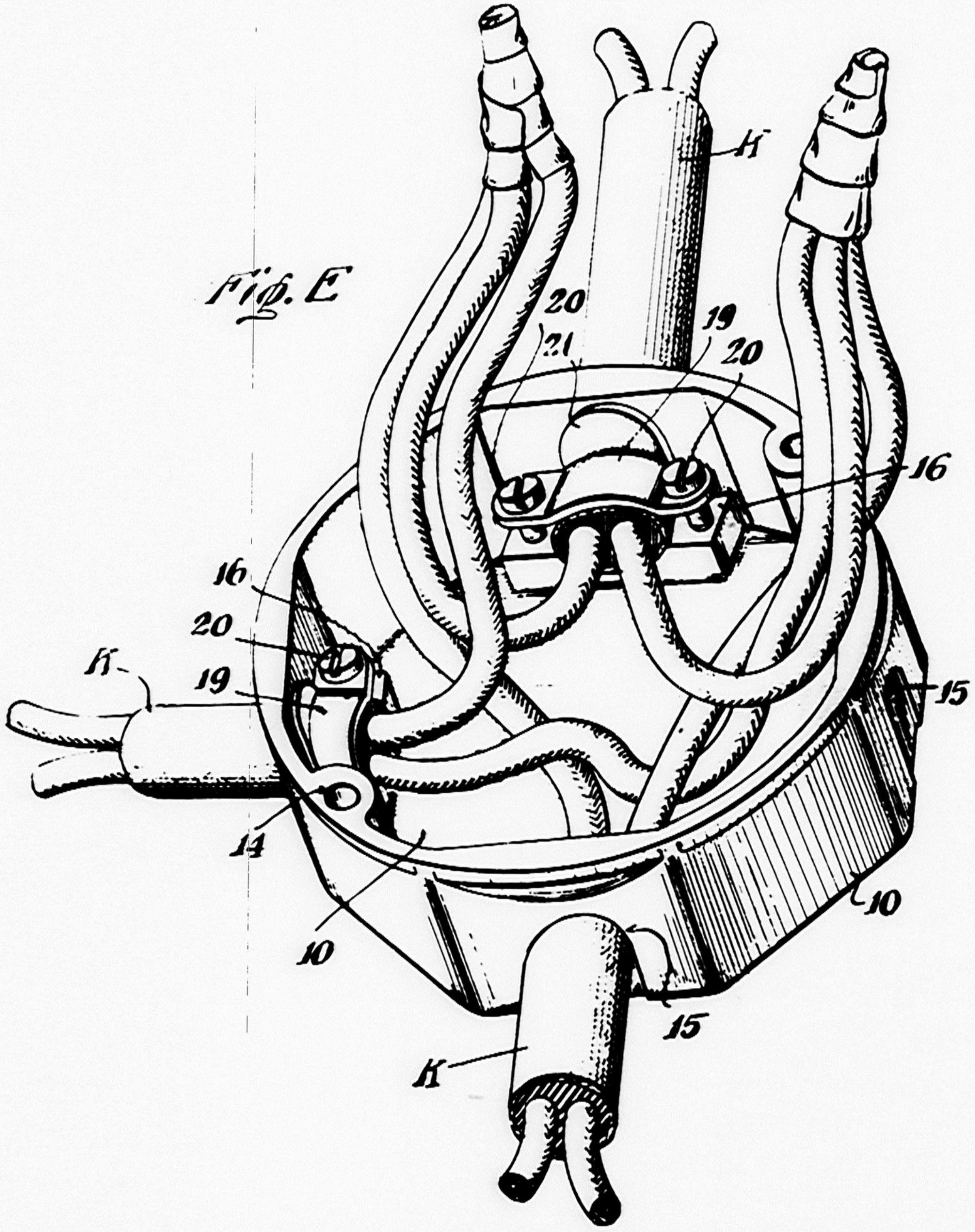
CROSS SECTION THROUGH THE OUTLET BOX
WITH THE COVER ON AND WIRES NESTED IN BOX.

Fig. D



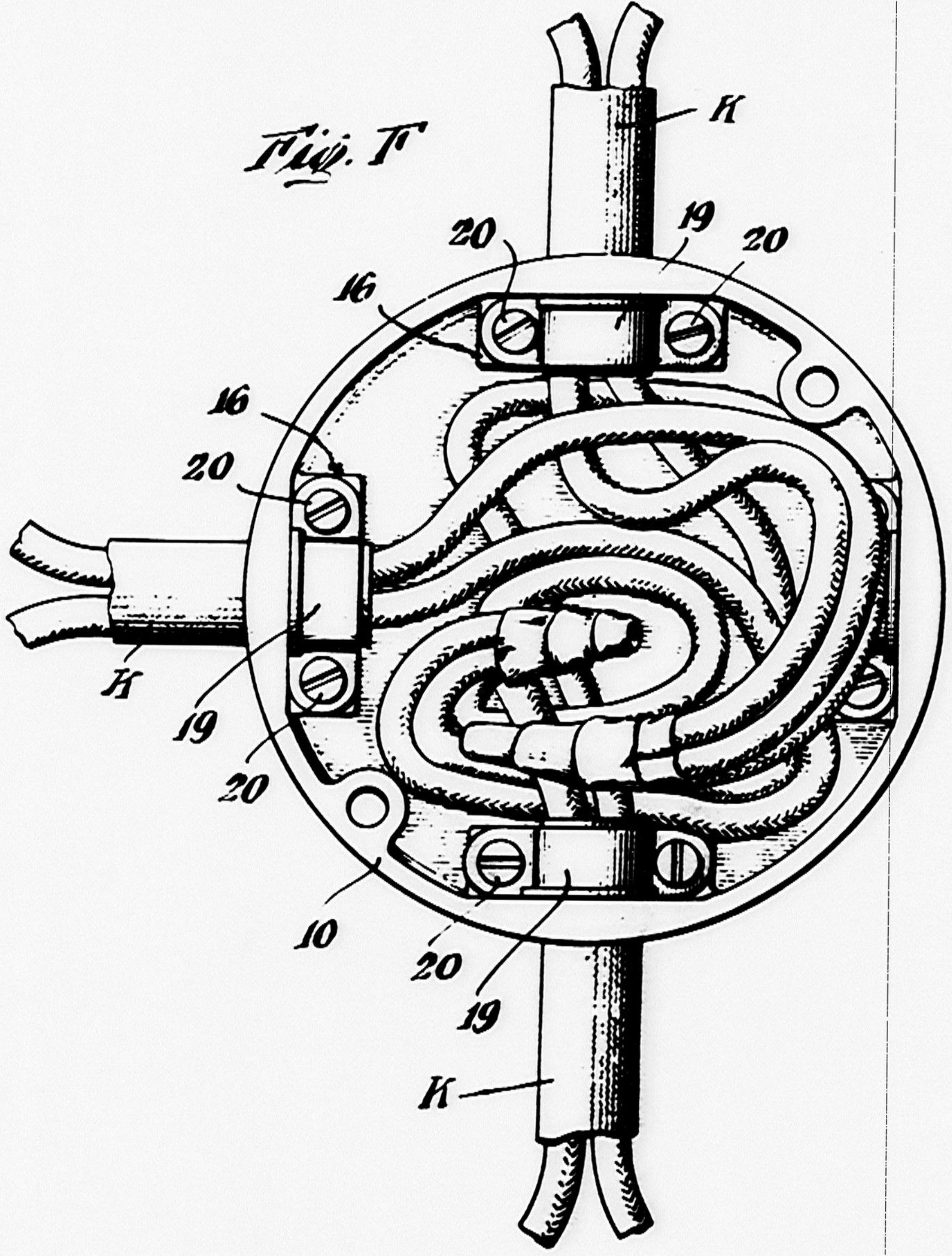
PLAINTIFF'S BOX USED AS A JUNCTION BOX
JUST AFTER SPLICING THE WIRE ENDS TOGETHER.

Fig. E



JUNCTION BOX WITH WIRE ENDS NESTED THEREIN.

Fig. F



UNITED STATES
COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA

FILED FEB 16 [illegible]

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BRIEF FOR APPELLEE

United States Court of Appeals

DISTRICT OF COLUMBIA

APPEAL NO. 8598

WILLIAM MORRILL PARKER, APPELLANT
v.
CONWAY P. COE, COMMISSIONER OF PATENTS, APPELLEE

APPEAL FROM THE JUDGMENT OF THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

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United States Court of Appeals

DISTRICT OF COLUMBIA

APPEAL NO. 8598

WILLIAM MORRILL PARKER, APPELLANT

v.

CONWAY P. COE, COMMISSIONER OF PATENTS, APPELLEE

APPEAL FROM THE JUDGMENT OF THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

BRIEF FOR THE COMMISSIONER OF PATENTS

This is an appeal from the Judgment (10)[1] of the District Court of the United States for the District of Columbia dismissing the Complaint (2) in an action under Section 4915 R. S. (U. S. C., title 35, sec. 63) brought by appellant to obtain the issuance of a patent.

STATEMENT

The patent application (47) No. 194,327 was filed on March 7, 1938, and relates to an insulated outlet receptacle or a junction box for use in electrical installations.

The structure on which the appealed claims are based is shown in Figs. 1, 2, 3, and 4 of appellant's application drawing (83). The box is a cup-shaped member made of "bakelite, porcelain, or any other such nonconductive molding compound" (51). It has openings 15 in its side wall 11, through which electric cables pass to the interior of the box. On the interior of the box adjacent each opening is a ledge 16 formed integrally with the box. The ledge has a concave surface 17 facing toward the opening. The cable which passes through the opening is clamped against the concave surface of the ledge by a clamping member 19 held in place by screws 20. The member 19 has a skirt 21 which covers the portion of the hole 15 not occupied by the cable. This feature is not recited in the appealed claims. The concave surface on the ledge has pinlike projections to afford a better grip on the cable.

---

[1] The numbers in parentheses throughout this brief refer to pages of appellant's appendix.

The complaint (2) included claims 27, 28, 33, 34, 35, and 36 (3-5), but claims 35 and 36 were withdrawn at the trial (15, 16).

The District Court found (10) that the appealed claims are unpatentable in view of the McGowan patent (119) and the Noyes patent (121) considered together, notwithstanding that plaintiff's box was shown by the evidence to be commercially successful.

SUMMARY OF ARGUMENT

I. The claims on appeal recite nothing patentable over the disclosure of the McGowan patent considered with the disclosure of the Noyes patent. To meet the claims substantially it is only necessary to substitute for the setscrew clamping means of McGowan a clamping means like the metal strap shown by Noyes.

II. Notwithstanding the lack of any statement in the Noyes patent that his clamp is held down by screws, the clear showing in the patent drawing is that the clamp may be so held.

III. The recitation "bakelite," as the material for making the box, does not impart patentability to the claims, for plaintiff admitted that such was not his invention. Moreover, the Noyes patent discloses the use of that material for making a closely analogous structure.

ARGUMENT

I

Claim 27 (3), which appellant states (Br. 7) is typical of those on appeal, reads as follows:

> 27. In an article of manufacture as described comprising, in combination, an outlet box of insulating material, having sides which are circumferential shape with a unit base of the same material and containing openings in said base and sides, beneath said side openings are certain raised concave ridges shaped to hold a cylindrical cable and containing indentures and raised portions capable of gripping said cable and containing on each side of said ridges a hole, to receive a screw, a metal convex clamp containing like holes and capable of being held over said ridge and cable by screws through said holes fastening the cable in place in said container.

The outlet box shown in the McGowan patent (119) was made of metal. The side wall A is cylindrical and in this respect corresponds with the side wall 11 of appellant's box, whatever may be the meaning of the clause "having sides which are circumferential shape" in the claim. The box has openings *b*. The location and number of such holes clearly is a matter of design and choice and not a matter of invention. The openings *b*, at the left of Figs. 1 and 2, extend through reentrant thimbles B integral with the box, while the openings *b*, at the right of these figures, extend through thickened portions case integrally with the box on the interior thereof. The portion of the side wall of each opening, opposite the setscrew C, forms a concave surface against which the cable passing through the opening is clamped by the setscrew. These concave clamping surfaces are shaped to hold a cylindrical cable and thus serve the same purpose as appellant's "raised concave ridges" 16. The remainder of the claim recites appellant's clamp 19. This is not shown by McGowan, but the setscrew C serves the same purpose, though obviously not so well as appellant's clamp.

If a clamp member, such as appellant's bridge clamp 19, were substituted for the setscrew C of McGowan, the McGowan structure would substantially meet the claims. This modification would, as stated by the Board of Appeals (136), involve the cutting away of a portion of the thimble at one side so that the strap clamp could be used instead of the setscrew to clamp the cable. The Board further said (137):

> Noyes clearly shows the use of a concave seat and a convex clamp for holding a cable securely in place. Anyone skilled in the art would be taught that such a construction could be used in any junction box and serve the same purpose.

A feature not shown in either of these patents is pinlike points on the concave clamping surface 17. The examiner said as to this (134):

> * * * the provision of roughened gripping surfaces or projections on the jaws of vises, pliers, pipe wrenches, etc., is such a common and well-known mechanical expedient that this feature is not considered as adding anything patentable to the claim.

The District Court found as a fact (10, Finding No. 8) that—

> The "indentures and raised portions" recited in plaintiff's claims merely afford a better grip on the cable. Such an expedient is old in various arts, and its incorporation into plaintiff's structure did not amount to invention.

II

The patent to Noyes, No. 2,042,620, June 2, 1936 (121), relates to a device for effecting connection between electrical circuit terminals such as are provided at various selected points in a building for the emergence of wiring and for service terminals. The device is intended as a compact substitute for the usual junction box. The Noyes device is, therefore, analogous in its use to appellant's box. The Noyes device comprises a pair of blocks G and H, shown in assembled relation in Fig. 1 and shown separated in Fig. 4. The facing surfaces of the blocks have matching grooves K which, when the blocks are placed together, form branched cavities to receive the cables E and F and the branching wires contained therein. For holding the cables, adjacent the entrance thereof into the blocks, are clamps L similar to appellant's clamps 19, apparently held in clamping position by screws at each end of the clamp.

Appellant in his brief (pp. 17 and 18) calls attention to the fact that the specification of the Noyes patent does not describe the clamp L as being held in place by screws. The operation of the clamp L is described in the specification as follows (123, col. 1, lines 20 to 28):

> * * * And in one of these bakelite blocks, as for example H, there are preferably also embedded, during the fabrication thereof, anchorage elements, as L, designed, when the blocks are drawn into juxtaposition, to clampingly seize the exposed or scraped ends of the power wires, so as to prevent their withdrawal even when considerable pull is exerted lengthwise thereof.

Claim 2 of the patent (123) contains the following statement:

> * * * a metal strap straddling the channel in the first block to grip the cable when the blocks are secured together, screws for fastening said blocks together and to provide the gripping force for said strap, the second block being suitably recessed for said strap whereby the blocks fit closely together to shield the said terminals and cable end.

Notwithstanding these statements, it is submitted that the showing in the drawing is clear that screws may be used to hold the clamp. The record shows that the examiner, the Board of Appeals, the District Court, and even appellant himself have accepted the Noyes patent as showing the use of screws for this purpose. Appellant made objection to the sufficiency of the disclosure, for the first time in his brief on appeal.

The testimony of appellant on this matter (38, 39, 40) was as follows:

> If you will take the clamping means in Noyes, as shown and disclosed, and put it into Kettron's box you would not have an insulated wiring box unless you definitely employed the additional element which we have in ours, because you would go clean through your box with your screws and you wouldn't have an insulated system.
>
> * * * * *
>
> Q. And continuing on that statement again, he says, "The Noyes patent shows an outlet box." That you have explained.
>
> "Formed of Bakelite having a depression therein and a clamping means L held against a cable by means of screws threaded in the Bakelite."
>
> Now, that clamping means L you say is old in the art?—A. Yes.
>
> Q. And could not be used in your invention without the addition of the new element?—A. Without the addition of the new element, due to the fact if you just took a clamp and put it through my box the screws would go all the way through.

Thus appellant did not deny that Noyes discloses screws for holding the clamp but expressed the view that if such screws were used in an outlet box, as distinguished from the terminal structure of Noyes, the screws "would go clear through the box and you wouldn't have an insulated system" (38).

III

Claims 28, 33, and 34 recite that the box is made of "bakelite." This material is used because it is nonconductive. Appellant stated in his specification (51) that "any other such nonconductive molding compound" could be used. The parts of the Noyes terminal structure are "preferably of bakelite or some other nonconducting material" (122, 2nd column, lines 54 and 55). Even though the Noyes device may not be, technically speaking, an outlet box, it is certainly an analogous device. Consequently appellant's use of bakelite to make a box was not invention. Moreover, appellant admitted in his testimony (42) that he was not the inventor of the use of Bakelite for making outlet boxes.

COMMENT ON APPELLANT'S BRIEF

Appellant appears to argue (Br. 3) that it was error for the District Court to hold that the claimed structure lacks invention, after finding that one element thereof was new. This argument is unsound, for it is well settled that there may be novelty without invention and that novelty alone will not support a patent. *Thompson* v. *Boisselier,* 114 U. S. 1.

Appellant states (Br. 3) that it was error on the part of the District Court to infer, and contrary to the record to assert, that the commercial success was not due to the novel bridge element of the combination. But neither the opinion nor the findings contain a statement in that form. What the Court actually said was, "I do not find that that success is due to the novel bridge element" (8, 10). This statement could well mean that the evidence was not sufficient to establish that the commercial success was due to the bridge element.

Appellant states (Br. 5, 9, 12, and 21) that he solved the problem of constructing a box in which the clamp provides no exposed screws which could cause a short circuit. By this it is assumed that appellant refers to the fact that his screws 20 do not extend to the exterior of the box. But the appealed claims do not recite this feature.

Appellant also states (Br. 5, 12, and 14) that appellant's box may be molded in one piece and in one molding operation. The configuration of the bottom of appellant's box and the location and form of the bridge, which adapt the box to be molded in one operation, are features not recited in the appealed claims.

The fact that appellant's bridges 16 are integral with the bottom wall of the box (Br. 14) is another feature not recited in the claims.

Reference is made by appelant (Br. 9) to the skirt member 21 on his clamp member 19. This may have some advantage, but it is not recited in the claims.

Reference is also made (Br. 9) to an alleged saving of rubber and steel.

The saving in rubber is apparently due to the use of a different system of wiring rather than to the use of appellant's box.

The saving in steel, so far as it could be ascribed to appellant's box, was due to the fact that his box is made of bakelite instead of steel, a feature obviously lacking in invention.

CONCLUSION

It appears that—

1. Plaintiff did not invent the use of bakelite for making a junction box;
2. That he did not invent the particular clamping structure set forth in his claims, since that structure is shown in the Noyes patent; and
3. That the modification of the McGowan structure necessary to meet the claims in issue would be suggested by the Noyes patent and did not require invention.

It is submitted that none of the appealed claims recites anything amounting to an invention over the prior art and that the judgment of the District Court should be affirmed.

Respectfully submitted.

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Attorney for Appellee.

February 1944.

U. S. GOVERNMENT PRINTING OFFICE: 1944

UNITED STATES
COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA

FILED DEC 20 1943

Joseph W. Stewart

CLERK

JOINT APPENDIX

IN THE

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA.

No. 8598

WILLIAM MORRILL PARKER, *Appellant,*

v.

CONWAY P. COE, and/or his successor in office,
Commissioner of Patents, *Appellee.*

Appeal from the District Court of the United States for the District of Columbia.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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Appeal from the District Court of the United States for the District of Columbia.

JOINT APPENDIX.

I.

PLEADINGS, DOCKET ENTRIES AND OTHER PAPERS DESIGNATED.

1 Endorsed: Filed Nov 18 1941. Charles E. Stewart, Clerk.

Complaint.

In the District Court of the United States
for the District of Columbia

Civil Action File No. 13680.

WILLIAM MORRILL PARKER, Parkersburg, Wood County, West Virginia. (County Club Rd.) nr. Stephens Ave.) *Plaintiff,*

v.

CONWAY P. COE and/or his Successor in Office Commissioner of Patents, United States Patent Office, Washington, D. C., *Defendant.*

Civil Action for Issuance of United States Letters Patent.

1. This action arises under Section 4915, Revised Statutes (Comp. Stats. 9460; U. S. C. Title 35, Section 63), as amended. No appeal has been filed in the United States Court of Customs and Patent Appeals under Section 4911 Revised Statutes (U. S. C. Title 35, Section 59a).

2. On the 7th day of March 1938, the plaintiff, William Morrill Parker, duly made application in writing in 2 the United States Patent Office for grant of Letters Patent entitled "Insulated Outlet Receptacle and Junction Box Units" which application was given the Serial Number 194,327.

3. The defendant finally and unjustly refused to allow the claims in said application of William Morrill Parker, Serial Number 194,327, which appear in Schedule A attached hereto and made a part hereof.

4. The Board of Appeals of the United States Patent Office, in a decision rendered May 19, 1941, unjustly af-

firmed the final refusal of the claims of said William Morrill Parker, Application Serial Number 194,327, as set forth in Schedule A.

Whereof, the plaintiff prays that this Honorable Court adjudge that the applicant, William Morrill Parker, is entitled to receive a patent with the claims of Schedule A herein or such other or modified claims as the Court may find patentable, and that this Court authorize the defendant to issue such patent to the plaintiff-applicant William Morrill Parker.

RAYMOND J. MAWHINNEY,
Atorney for Plaintiff,
444 Munsey Building,
Washington, D. C.

3 Endorsed: Filed Nov. 18 1941 Charles E. Stewart, Clerk.

Schedule "A" Claims Finally Rejected.

Serial No. 194327.

27. In an article of manufacture as described comprising, in combination, an outlet box of insulating material, having sides which are circumferential shape with a unit base of the same material and containing openings in said base and sides, beneath said side openings are certain raised concave ridges shaped to hold a cylindrical cable and containing indentures and raised portions capable of gripping said cable and containing on each side of said ridges a hole, to receive a screw, a metal convex clamp containing like holes and capable of being held over said ridge and cable by screws through said holes fastening the cable in place in said container.

28. In an article of manufacture as described, comprising, in combination, an outlet box of Bakelite material, and containing openings in said base and sides, beneath said base and side portions are certain raised ridges shaped to

hold a cable and containing indentures and raised portions capable of gripping said cable and containing on each side of said ridges a hole to receive a screw, a metal clamp containing like holes and capable of being held over said ridge and cable by screws through said holes fastening the cable in place in said container, said box also containing two ridges the depth of said box and capable of holding screws to fasten said box to a wall.

33. In an article of manufacture as described comprising, in combination, a one piece outlet box of moulded "BAKELITE" material, having cylindrical sides, with a flat base, said sides having four openings equally spaced to receive cables and having beneath said openings and on the sides thereof a raised concave portion of considerable depth and thickness with the center upward section thereof containing raised pinlike points and the ends of said portions containing a threaded hole therein to receive screws of a convexed clamping portion.

4 34. In an article of manufacture as described comprising, in combination, a unit outlet box of moulded "BAKELITE" composition, having cylinderical sides, with a flat base, said sides having multiple openings equally spaced to receive cables and having beneath said openings and on the inside thereof a raised concave section of considerable depth and thickness with the top surfaces of said section having a raised needle point effect and the ends of said surface containing threaded holes therein to receive the screws of a convexed clamping portion.

35. In an article of manufacture as described comprising, in combination, a unit outlet box of moulded "BAKELITE" composition, having cylindrical sides and a flat base, said base containing an opening capable of receiving a cable and having a raised concave semi-circular portion adjacent said opening and a clamp capable of closing the other half thereof about said cable and means for holding same together and having posts forming a part of said box from the base thereof and extending half the depth of said

sides, said posts being of the same material and forming a part of the same mould and having a connecting bridge of the same material and also forming a part of said mould, means for holding a contact plate on said bridge, said contact plate containing receptive grooves for receiving a plug and said box containing a cover of the same material as the sides and containing openings for the reception of the prongs of the plugs and means to connect same to the sides of the box.

36. An outlet box for electric wiring comprising, in combination, a container formed of moulded "BAKELITE" material, having openings in the said container for the reception of electrical conductors and having a raised concave semi-circular housing adjacent said openings and forming a part of said mould and containing pin like surfaces and means for holding a clamp capable of closing the other half of said housing when a conductor is placed therein, said container having means moulded therein for use as a receptable container, as herein described, and having means for attaching a cover to said receptacle, and also having means for attaching said container to a surface.

5 *Answer to the Complaint.*

To the Honorable the Justices of the District Court of the United States for the District of Columbia.

1, 2. Defendant admits the allegations of paragraphs 1 and 2.

3. He admits that he has finally refused to issue a patent to plaintiff containing claims 27, 28, 33, 34, 35 and 36, of Plaintiff's application No. 194,327, which was filed in the Patent Office on March 7, 1938, and entitled "Insulated Outlet Receptacle and Junction Box and Units". He admits that said claims are as set out in Schedule A, attached to the complaint. He denies that his refusal is unjust or that plaintiff is lawfully entitled to receive a patent containing the said claims since it is deemed that claims 27, 28, 33, 34, 35 and 36 are unpatentable in view of the following prior

patents and for the reasons given in the statement of the examiner in answer to the appeal and the decision of the Board of Appeals, copies of which will be furnished at the trial:

6	McGowan,	838,886,	Dec. 18, 1906,
	Noyes,	2,042,620,	June 2, 1936,
	Kettron,	2,113,918,	April 12, 1938.

Profert of copies of these patents is hereby made.

4. He admits that the Board of Appeals of the Patent Office, in its decision rendered May 19, 1941, affirmed the final rejection of the said claims by the primary examiner. He denies, for reasons aforesaid, that the decision of the Board of Appeals was unjust.

W. W. COCHRAN,
Solicitor, U. S. Patent Office,
Attorney for Defendant.

December 2, 1941 .

I hereby certify that a copy of this ANSWER TO THE COMPLAINT was mailed today, December 2, 1941, to the attorney for plaintiff, Raymond J. Mawhinney, 444 Munsey Building, Washington, D. C.

W. W. COCHRAN,
Solicitor.

Opinion of the Court.

7 Plaintiff is asking the court to authorize the defendant, The Commissioner of Patents, to issue to him a patent comprising of four claims which the defendant has refused to allow him. The claims are those numbered in the complaint as numbers 27, 28, 33, and 34. Of these No. 27 is typical. It is as follows:

Claim 27. In an article of manufacture as described comprising, in combination, an outlet box of insulating material, having sides which are circumferential shape with a unit base of the same material and containing openings in said base and sides, beneath said side openings are certain raised concave ridges shaped to hold a cylindrical cable and containing indentures and raised portions capable of gripping said cable and containing on each side of ridges a hole to receive a screw, a metal convex clamp containing like holes and capable of being held over said ridge and cable by screws through said holes fastening the cable in place in said container.

The underscored portions of the above are those underscored by the plaintiff in his brief and contain the substance of the claim which the plaintiff contends is new in the art. In the patents cited by the defendant to show lack of invention by the plaintiff the McGowan patent shows a metal outlet box with openings through which electric cables are to be passed. It shows clamping screws to engage and fasten the electric cable. However, these screws pass through the cable and may be injurious to it and interfere with proper insulation.

The Noyes patent shows an electric circuit terminal structure in which the electric cables or wires are held by clamping members held in position by screws,
8 the abbutting portions, to which the cables are clamped, being hollowed out. The clamping member is simlar to that of the plaintiff's and the cables are clamped similarly in the concave portions of the box.

The plaintiff's chief reliance is upon the underscored portion of his claim above. I find nothing in his claim other than this which is not anticipated by the prior art. The essential difference in the plaintiff's claim and in the prior art is "the raised portions capable of gripping said cable and containing on each side a hole to receive a screw, a metal convex clamp containing like holes and capable of being held over said ridge and cable by screws through said holes." The metal clamp holding the cable and fastened by screws is anticipated by Noyes. The raised portions or, as the plaintiff terms it, "a bridge" is new.

I cannot find that this bridge is of such importance as to make that which would otherwise have utility of any greater utility. The plaintiff in his brief concedes that "the new element in applicant's invention is the raised portion or the bridge, which not only anchors a cable in a different, and more secure manner than before but keeps the system completely insulated and is the only type adaptable to the new wiring now in use." It is true that the testimony does show that plaintiff's combination of that which is old in the particular art has been of great commercial success but I do not find that that success is due to the element which is novel.

On the whole I agree with the findings and the opinion of the Examiner and of the Board of Appeals of the Patent Office in denying plaintiff's claims, and the complaint should be dismissed with costs.

JENNINGS BAILEY,
Justice.

9 Endorsed: Filed Jun 16 1943 Charles E. Stewart, Clerk.

Findings of Fact.

1. This is an action under Section 4915 R. S. (U. S. C., title 35, sec. 63) in which plaintiff sought a judgment which would authorize the defendant to issue to plaintiff a patent containing claims 27, 28, 33, 34, 35 and 36 of his application for patent, No. 194,327, relating to an Insulated Outlet Receptacle and Junction Box and Units.

2. Plaintiff's application discloses a "Bakelite" junction box for electric cables, having openings in the wall thereof through which the cables enter the box. Adjacent each opening there is a ledge or bridge which is integral with the box and has a concave surface to which the cable may be clamped. Said surface is provided with indentures and raised portions for gripping the cable. The cable is clamped to said surface by a member fitting over the cable and fastened to the ledge or boss by screws.

10 3. Claims 35 and 36 were withdrawn by plaintiff at the trial.

4. Claim 27, which is typical of the claims remaining for consideration, reads as follows:

Claim 27. In an article of manufacture as described comprising, in combination, an outlet box of insulating material, having sides which are circumferential shape with a unit base of the same material and containing openings in said base and sides, beneath said side openings are certain raised concave ridges shaped to hold a cylindrical cable and containing indentures and raised portions capable of gripping said cable and containing on each side of ridges a hole to receive a screw, a metal convex clamp containing like holes and capable of being held over said ridge and cable by screws through said holes fastening the cable in place in said container.

The underlined portions of the claim are those which, according to plaintiff, contain the substance of the claim which the plaintiff contends is new in the art.

5. The patent to McGowan, No. 838,886, of December 18, 1906, discloses an outlet box for electric cables. The box is integrally formed with re-entrant sleeve portions having passages therethrough to receive the electric cables. Each sleeve is provided with a set screw passing through the wall thereof and adapted to engage the cable and hold the same in position. The set screw in operation may be injurious to the cable in that it may interfere with the insulation thereof

6. The patent to Noyes, No. 2,042,620, of June 2, 1936, shows an electric circuit terminal structure in which the electric cables or wires are held by clamping members held in position by screws, the abutting portions, to which
11 the cables are clamped, being hollowed out. The
clamping member is similar to that of the plaintiff's and the cables are clamped similarly in the concave portions of the box.

7. The bridge, which is recited in Claim 27 as a raised concave ridge, is new, but there was no invention in sub-

stituting the bridge and clamp set forth in plaintiff's claims for the cable holding means of the McGowan patent, in view of the teaching of the Noyes patent.

8. The "indentures and raised portions" recited in plaintiff's claims merely afford a better grip on the cable. Such an expedient is old in various arts and its incorporation into plaintiff's structure did not amount to invention.

9. The testimony shows that plaintiff's device has had great commercial success but I do not find that that success is due to the novel bridge element.

10. None of plaintiff's claims 27, 28, 33 and 34 is patentable over the prior art.

Conclusions of Law.

1. Plaintiff is not entitled to the issuance of a patent containing any of the claims set out in the complaint.

2. The complaint should be dismissed.

JENNINGS BAILEY,
Justice.

June 16th, 1943.

12 Endorsed: Filed Jun 16 1943 Charles E. Stewart, Clerk

Judgment.

This action came on to be heard at this term and thereupon upon consideration thereof, it is this 16th day of June, 1943,

Adjudged that the complaint be and it is hereby dismissed, with costs against the plaintiff.

JENNINGS BAILEY,
Justice.

* * * * * * * * * *

13 Endorsed: Filed Jun 28 1943 Charles E. Stewart, Clerk

Notice of Appeal

Notice is hereby given this 28th day of June, 1943, that William Morrill Parker, plaintiff, hereby appeals to the

United States Court of Appeals for the District of Columbia from the judgment of this Court entered on the 16th day of June, 1943 in favor of Conway P. Coe, Commissioner of Patents, defendant against said William Morrill Parker, plaintiff.

RAYMOND J. MAWHINNEY,
Attorney for William Morrill Parker
RAYMOND J. MAWHINNEY,
Attorney for Plaintiff
444 Munsey Bldg.
Washington, D. C.
W. W. COCHRAN
Attorney for Defendant
Solicitor, U. S. Patent Office
Commerce Bldg.

* * * * * * * * * *

16 Endorsed: Filed Jul 8 1943 Charles E. Stewart, Clerk

Washington, D. C.,
Thursday, April 1, 1943.

Pursuant to notice theretofore given to all known interested parties, and designation theretofore made by the Assignment Commissioner, the above-entitled cause came on for hearing and trial at 11:15 o'clock a. m. on Thursday, April 1, 1943, in the District Court of the United States for the District of Columbia, in the Court House in the City of Washington,

Before:

Honorable Jennings Bailey, Associate Justice of the District Court of the United States for the District of Columbia, there being

Present:

James J. Cannon, Esquire, and
Raymond J. Mawhinney, Esquire, in behalf of the Plaintiff; and
W. W. Cochran, Esquire, in behalf of the Defendant.

17 Thereupon the following proceedings and transactions were had and testimony was taken:

Proceedings, Transactions and Testimony

The Clerk of the Court: Parker v. Coe.

Mr. Mawhinney: We are ready.

The Court: All right.

Mr. Mawhinney: If the Court please, I would like to introduce Mr. James J. Cannon of New York City, who is a member of the New York State Bar, and our patent practice, and I move his admission and vouch for him.

The Court: Very well.

Mr. Cannon: I might state also, I am a member of the New Jersey Supreme Court, and the District Court of New York, and the I. C. C.

Opening Statement on Behalf of the Plaintiff

Mr. Cannon: Now, your Honor, I would like to make a statement for the record in this case, which I have prepared by some rough notes.

The plaintiff here, Mr. William Morrill Parker, contends the following:

1. That the Examiner and also the Board of Appeals, erred in adding three patents upon which to base this rejection of plaintiff's patent, in that the general process is, really, your Honor, to add only two patents:

2. Plaintiff further contends that the Appeal Board, and also the Primary Examiner, erred, as none of the plaintiff's claims read on any of the three patents, and that the Appeal Board and Examiner do not contend that plaintiff's said claims do so read.

18 Plaintiff further contends that the Appeals Board and the Examiner erred in contending that anyone versed in the art could by examining the three patents cited, to-wit, Kettron, Noyes and McGowan, could, or would, arrive at, or make, the same device that the plaintiff here has invented.

4. Plaintiff contends that the knockout of Kettron is old, and that plaintiff, even if he has a complete set of old elements, if he arrives at a new and useful result in a more simple and less expensive way, and with more public utility, is entitled to a patent and, under that subdivision,

(b) That Kettron's web, of which we have a sample here, does not suggest plaintiff's; that anchoring a cable in a box is old, and

(c) That Kettron's device is impracticable and unworkable, not in accord with the underwriters, and not in public use, and is no longer on the market, and

(d) That Kettron has not the only outlet box, that there are several other outlet boxes, and

5. That Kettron does not suggest plaintiff's anchoring device;

(b) That the elements of a metal clamp is old, and

(c) Not claiming on a concave and convex means, such as the Examiner claims, and that what the plaintiff has done here, we will show, is to add a new element in a new way, and serving a new and useful purpose, in that the bridge which gets support from the base and side needs no outside anchoring, as do the other devices, and does not weaken the side or bottom of the box, and meets the underwriters, and also that our box is simple and practical, inexpensive, and in great public demand, and has a
19 preference to other boxes, and

(d) That the Noyes patent is a receptacle and not an outlet box, and is not completely non-metallic, as the anchoring device in Noyes touches the bare wires and, furthermore, that it is used as an uninsulated conductor; and

(6) That the McGowan patent does not suggest the plaintiff's invention, as it does not have a clamping seat.

(b) And that to even suggest cutting off part of McGowan's thimble—there is a thimble in McGowan, and the Appeals Board suggest if part of that was cut away, and the metal clamp used in Noyes, which is old, it would meet ours—and we suggest that it is certainly a great stretch of the imagination, that is, for anybody wise in the art—and I think we can show that—even that would not accomplish plaintiff's patent, as McGowan's thimble does not get any strength from the bottom or sides of the box.

(d) It does not meet the underwriters' code.

(e) It has only a set screw which would pierce the insulation;

(f) That it can only be used on certain types of cable, and that it is not a completely insulated unit.

I will show, in addition, that our box was designed to meet the newer needs in connection with newer cables, and that is the reason our invention was arrived at.

I will show from men versed in the art for some fifteen to twenty years, who are familiar with the art, that it is not a completely insulated unit, that is, the McGowan patent is not a completely insulated unit.

I will also show as another point the amount of rubber we save, and also show as another point the saving in steel—I can show this in actual figures.

I can show that the Government is using our device, that they demanded our device, that we are excelling the others, and that the others are not in use, and, as another point, with the addition of the boss, or the bridge, which connects the clamping of the cable, that the screws which go on the side of this bridge do not go through the box, making this box a completely insulated unit for which the newer type of wiring and the newer types of wires are used, and does not need any anchoring on the outside six inches away, and that it is a commercial and saleable item.

The Court: Of course, I don't understand a word of this.

Mr. Cannon: Those are the things we are going to bring out, your Honor, in the course of the testimony.

The Court: Very well.

Opening Statement on Behalf of the Defendant

Mr. Cochran: May it please your Honor, there are six claims involved in the application in this case.

The first four claims are particularly concerned with the means for holding the cable as it enters the junction box.

The clamping means is shown in Figure 2 of the drawing of Plaintiff's application.

Your Honor will note that where the cable comes into the box there is a two-part clamping structure which may be tightened down on the cable to hold it securely.

21 The first four claims are directed to that structure.

The position of the Patent Office is that those claims are not patentable over the McGowan patent which uses a junction box, outlet box, with a different kind of clamping means, because it would be no invention to substitute one clamping means in view of another patent, the Noyes patent, which is the second one relied on in the Patent Office, and in that patent the Patent Office relies on Figure 4 as showing the particular clamp.

The remaining two claims, 35 and 36, were rejected on the ground of aggregation. Those claims bring in the cable connecting means, the clamping means, and recite it specifically, and they also recite specifically a means whereby a plug may be connected into the device.

As the Examiner pointed out, those are separate things and not cooperative with the other, so that their claims advance only an aggregation.

Claim 36 is also somewhat troublesome in that there is a confusion in the terms "receptacle" and "container." I think that will come out later.

Mr. Cannon: Pardon me, on what claims do you mean, or feel, that there is a confusion as to receptacle and container?

I think we might clear those claims now, your Honor, and proceed with the bridge.

Mr. Cochran: 35 and 36.

Mr. Cannon: For the purpose of clarifying the issue, your Honor, then we will eliminate the claims 35 and 36 for consideration, which has to do with figure 5 of the drawing.

22 The Court: You are abandoning 35 and 36?

Mr. Cannon: 35 and 36, yes, your Honor.

The Court: They are out, then?

Mr. Cannon: Yes, your Honor, we will take those out of the case, which eliminates figure 5 of the drawing, figures 6, 7, 8, and 9.

Mr. Cochran: That is all on the second sheet of the drawings?

Mr. Cannon: All except figure 5. That is on the first sheet of the drawings.

Mr. Cochran: And that you are eliminating, too?

Mr. Cannon: Yes. We are eliminating that.

Mr. Cochran:: As a matter of fact, that figure has been cancelled from the application.

Mr. Cannon: Oh, has it? It says "cancelled," O. K.

The Court: All figures on the second page of the drawing are cut out then?

Mr. Cochran: Yes, sir.

Mr. Cannon: I would like to introduce into evidence, your Honor, the file wrapper, which I will mark Plaintiff's Exhibit No. 1.

Mr. Mawhinney: That is the file wrapper and contents, the plaintiff's application.

Mr. Cannon: That is a certified copy of the file wrapper, your Honor, containing the drawing—

The Court: Very well.

(Thereupon the certified copy of the file wrapper and contents in the application of William Morrill Parker, Serial No. 194,327, was received in evidence as Plaintiff's Exhibit No. 1.)

23 Mr. Cannon: Mr. Parker.

Thereupon **John Henry Parker**, was called as a witness in behalf of the plaintiff and, having been duly sworn by the Clerk of the Court, assumed the witness and, upon examination, testified as follows:

Direct examination

By Mr. Cannon:

Q. Mr. Parker, will you give your full name and address? A. John Henry Parker. Business address?

Q. Business address. A. 27 Park Place, New York City.

Q. And you reside where? A. What?

Q. You reside where? A. 769 St. Marks Avenue, Brooklyn.

Q. What is your business, Mr. Parker? A. Electrical matters and bakelite.

Q. And what does that consist of? A. Do you mean the material?

Q. The items, yes. A. What we make?

Q. Yes, what you make. A. Outlet boxes, sockets, and material for the United States Government, for the Army and the Navy.

Q. How long have you been in that business? A. I have been in the bakelite business since 1911.

Q. And is that the predecessor—how long have you been in the porcelain business? A. In the porcelain
24 business?

Q. Yes. A. Since 1888.

Q. Since when have you been dealing with steel or metal boxes? A. I beg your pardon?

Q. Since when have you been dealing with steel or metal boxes, junction boxes? A. We don't have anything to do with those. I don't have anything to do with metal boxes.

Q. But do you know about them? A. Yes.

Q. Do you know about how long they have been on the market? A. About what?

Q. Do you know how long they have been on the market? A. No, I don't know.

Q. Do you know about how long, roughly? A. I know they have been on the market a good many years, but I don't know how many.

Q. Do you know how far back they go, roughly, in your recollection? A. Well, I should say to 1908 or 1909.

Q. About 1908 or 1909, that is the metal boxes? A. Yes, sir.

Q. Are you acquainted with Mr. William Morrill Parker, the plaintiff in this case? A. I think so. He is my son.

Q. Your son? A. Yes, sir.

25 Q. And is he also in the same business? A. Yes.

Q. And what is the name of that business? A. Union Insulating Company, Incorporated.

Q. And where do they have a plant, the Union Insulating Company? A. Parkersburg, West Virginia.

Q. And how long have they had a plant there? A. Since 1917.

Q. And still operate their plant? A. Yes, sir.

Q. Now, did anything come up in connection with the junction box in any particular year that attracted the attention of your son? A. Well, do you have reference to an insulating box?

Q. Yes, completely insulated box. A. Yes, sir.

Q. Will you state roughly what year that was? A. 1937.

Q. And what was the occasion? A. We at that time were manufacturing for the United States Government, Navy, bakelite boxes.

The wire manufacturers, in conjunction with the underwriters' laboratories, wished to bring out a new type of wire insulated systems of wiring homes and houses, and the Electrical Inspectors' Association had a meeting in New York in 1937—

Q. (interposing) What inspectors? A. Electrical, and the people that were endeavoring to get this wiring asked if we would let them have some samples of boxes such 26 as we were making for the United States Navy, to make an experimental installation at their factory at Rome, New York.

I told them if they could get consent from Washington we would do so, as we were making for the Navy and did not care to give information out that the Navy did not wish given out.

They secured that consent and we gave them boxes to make the installation, and that was the start of bringing out an insulated wiring system for homes and houses, and they must have insulated boxes in order to make a complete system.

Q. Now, as a result of that conference, did you confer with anyone, and did anyone proceed to do something? A. Do what?

Q. As a result of that conference, did anyone proceed to do something? A. Only ourselves.

Q. Well, who, you and your son? A. Yes, my son.

Q. And then did your son proceed to conceive and design a desired box? A. He designed one that would meet the condition.

Q. He designed the box? A. Yes, sir.

Q. You are familiar with the fact of the filing of a patent application in connection with that box? A. I don't know the number right offhand, but I know of the case.

Q. You know of the case? A. Yes, sir.

27 Q. And you know of my having had conferences with your son? A. Yes.

Q. At your office? A. Yes.

Q. And you are familiar with the progress of that case? A. Yes.

Q. And the appeal before the Appeals Board? A. Yes.

Q. And then this suit here? A. Yes.

Q. I show you the Kettron patent—

Your Honor, is it necessary to mark that? That is one of the patents in the file wrapper?

The Court: Which one is that?

Mr. Cannon: Kettron.

The Court: No. That is already in evidence.

By Mr. Cannon:

Q. Are you familiar with the Kettron patent Mr. Parker? A. Yes.

Q. Are you also familiar with the Noyes patent? A. Yes.

The Court: I take it, Mr. Cochran, you will use this folder in evidence which contains all the patents?

Mr. Cochran: I expect to offer it in evidence, your Honor.

Mr. Cannon: We can consider it offered, your Honor.

By Mr. Cannon:

28 Q. Are you familiar with the McGowan patent? A. Yes.

Q. I show you this porcelain box here. Is that the Kettron box (handing porcelain box in question to the witness)? A. (after inspection of porcelain box referred to) Yes.

Mr. Cannon: We will mark that and offer it in evidence as Plaintiff's Exhibit No. 2.

(The porcelain box referred to was received in evidence as Plaintiff's Exhibit No. 2.)

By Mr. Cannon:

Q. I show you this box. Is that the invention in suit (handing box referred to to the witness)? A. (after inspection of box last above referred to) Yes, sir.

Mr. Cannon: If your Honor please, I offer this in evidence as Plaintiff's Exhibit No. 3.

The Court: Is there any objection?

Mr. Cochran: No objection.

The Court: Very well, it will be admitted.

(The box referred to, which is the invention in suit, was received in evidence as Plaintiff's Exhibit No. 3.)

By Mr. Cannon:

Q. Now, Mr. Parker, in view of the Kettron and the Noyes patents, and also the McGowan patent, and our Exhibit No. 3, being our outlet box, will you explain to the Court the difference between your son's invention and the art as cited by the Examiner? The McGowan patent particularly mentions a thimble, which will go through this hole (indicating) after this hole is punctured, side

29 hole, and in order to hold the wire through that thimble he uses a set screw, or a screw, presses it against the wire, with the danger of injuring the insulation and causing a short circuit.

That is the only method they have got of holding that wire in place, while in this box (indicating) the way of holding it is this raised portion in this box here. You punch this hole through to get your wire in, and lay a clamp on it which holds the wire, and in no way injures the insulation.

This (indicating) would not pass the underwriters' laboratory test, or be referred to.

Q. What are you referring to, Mr. Parker? A. This is Exhibit No. 2.

Q. The Kettron box.

Will you explain that box to the Court (indicating)?

A. This box is dependent on the wire coming through the whole at the bottom, either the bottom or the side, and passing through these holes here and being bent over and then connected with the receptacle, or whatever may be put into the box.

The result is that this box be a two-piece item. You can't mold a porcelain with those holes in the side in one piece—he might do it in one piece with steel—without undue strain, and it will break it. Therefore, it is not practicable, and is not in use, costs too much to make it, and nobody wants it, and the manufacturers themselves have discontinued putting it on the market.

And that thing, that isn't a box anyway. That is

30 nothing more nor less than a receptacle entirely separate and apart from the box, and placed into the box.

You can't consider it any other way mechanically or electrically.

Q. That bridge there, is that completely insulated? A. What is that?

Q. That bridge there, is that completely insulated? A. It may be, but it will not function as this box functions. It can't be used for this purpose.

Q. Does Noyes read there that the bridge touches bare wires? A. No.

Q. No, I don't think you understood; I say, does Noyes read there that the bridge touches bare wires? A. Yes.

Q. And does he say that on the patent? A. Yes, it does particularly, "to clamplingly seize the exposed or scraped ends of the power wires."

Q. What page and line is that? A. What page?

Q. Yes. A. No. 2.

Q. What line? A. 25.

Q. Would that make that box a completely insulated unit? A. No, sir.

Q. That is not an outlet box? A. That is not an outlet box, or a box of any kind.

Q. Is that more expensive to make than your box?
31 A. Indeed so; that is to say, in order to use it, you have got to have it and the box.

Q. Would it be more expensive to install? A. Much more expensive, much more impracticable and more intricate.

Q. Could it be used for the same purpose that this is used for (indicating)? A. I don't think so, no, sir; that wouldn't pass the Underwriters' Laboratory, either.

Q. It wouldn't? A. No, sir.

Q. Now, refer to the McGowan patent. Wherein does that box differ from your box? A. McGowan? He mentions specifically "Thimbles projecting into the cavity of the box." "An outlet box for electric wiring having thimbles integral therewith, said thimbles projecting into the cavity of the box."

Q. Now, would that box have to be anchored around, the McGowan box have to be anchored outside of the box? Would it have to be anchored? A. It would be if it were not used with those set screws, which the underwriters would not allow.

Q. Where would you anchor that? How many inches from the box? A. About six inches outside the box, according to the underwriters' rules.

Q. Do you have to anchor your box on the outside? A. No, sir.

Q. Now, the knockouts, going to the knockouts of Kettron, are knockouts old in the art? A. Yes.

32 Q. How old? A. The first box ever made had them.

Q. When was that? A. When the steel boxes were made.

Q. In 1907? A. At that time.

Q. And they had knockouts? A. Yes, sir.

Q. And we admit that the knockout is an old element? A. Yes, sir.

Q. In our combination; but does the Kettron box have to be anchored on the outside? A. Not if this center piece would hold, but in that this center piece will not hold, and it will have to be.

Q. Have to be anchored.

Were you in the porcelain business, or have you been in the porcelain business? A. Since 1888.

Q. Since 1888, and you understand the porcelain business? A. More or less.

Q. Now, in the Noyes box, would that have to be anchored on the outside? A. Well, I think my reply to that would be that that is not a box.

Q. That is not a box? A. No.

33 Q. Now, the anchoring of a cable itself in a box in any way, shape or form, is that old in the art? A. What is that?

Q. Is that old in the art, the anchoring of a cable in a box in any way, shape or form? A. Yes, but by a different method.

Q. By a different method. What was the old method? A. The old method was two clamps, separate clamps.

Q. Two separate clamps? A. Yes.

Q. So that Noyes doe snot show any new element by using a clamp, does he? A. No.

Q. Now, what is the new element you claim in your box, in the box in issue here?

What is the new element in your box which you claim, the box in issue here? A. This raised portion right in here (indicating).

Q. The bridge? A. Yes.

Q. By the opening? A. Yes.

Q. Will you show it to the Court? Will you show the exhibit to the Judge? A. That point right in there (indicating), raising it so that the wire sets on it, and this clamp goes in there, and the space between is sufficiently deep so that the screws will not pass through and make a contact on the outside.

Mr. Cannon: Your Honor, this is a similar box
34 (indicating). Your Honor may use that in reference here, and we will use this one.

The Witness: It makes it very simple; makes it very cheap and economical to use, and I might say that thousands and thousands are being used in this housing proposition of the United States Government.

That is the real meat in the coconut.

By Mr. Cannon:

Q. Now, in your years of experience, Mr. Parker, have you ever seen a Noyes box on the market? A. No, sir. Now, don't call it a box, because it isn't a box.

Q. Receptacle, on the market? A. No.

Q. Have you ever seen the McGowan on the market? A. No, sir.

Q. Have you ever seen the Kettron on the market? A. In an endeavor to put it on the market, but it was taken off.

Q. Have you ever seen that particular model in the market? A. Yes. They are making a box, but it is a perfectly plain box; has nothing to do with this.

Q. Or that type of box with the web in? A. No.

Q. Have you ever seen that type of box with the web in on the market? A. No.

Q. The Examiner states here in his rejection of
35 the following claims, 27, 28, and 33, which read on

the box you have there, Plaintiff's Exhibit No. 3, says the following:

"Claims 27, 28, and 33 are regarded as not patentable over the Kettron patent in view of Noyes since there is believed to be no invention in using the clamping means of Noyes in the Kettron box. It is customary to place the cable clamping means adjacent to the cable entrance as evidenced by the McGowan patent, of record."

Would those patents suggest your invention? A. No, sir, it would not. I can't conceive how it would.

Q. Could the clamping means of Noyes be used in the Kettron box? A. It must be this, just as we have it.

Q. The new element that you add, the bridge adjacent to the opening? A. Yes, right here, this raised portion (indicating).

Q. Does that receive any support from any other parts of the box? A. The boss.

Q. And side? A. It is attached as an integral part of the box, and an integral part of the shell also.

Q. Is it necessary to anchor that box six inches from the outside? A. Not on this, no sir.

Q. The underwriters passed it? A. Yes. It doesn't require it.

Q. The Examiner states in his rejection that
36 roughened gripping surfaces are old in the art.
Do you understand that? A. Yes.

Q. That is old in the art to have a rough surface to give a better grip? A. Yes.

Q. Has it ever been applied in the manner you have aplied it? A. No, sir, not that I know of.

Q. The Appeals Board say here that "Noyes shows an electrical terminal structure made of Bakelite. The cables are secured in concave recesses in one part of the structure and are held therein by means of convex metal clamping bars. This patent, therefore, clearly suggests the use of cooperating concaved parts for securely holding the cables in place."

What have you got to say to that, sir? A. You couldn't use that in this box unless you use it this way, and he don't show this.

Q. Does he suggest it? A. Not to my mind he doesn't, and I might further say this, if I am further permitted to do so;

That this patent we have never seen up to now when this came out.

Q. If you had seen them would it have suggested— A. (interposing) No, because they couldn't have been used.

Q. They couldn't be used? A. No, sir. You have to get away from that.

37 Q. Is your box being used? A. Yes, to a very large extent.

Q. In many ways? A. Yes, thousands of them.

Q. The Government uses them? A. Yes, sir.

Q. Every day? A. Yes, sir.

Q. In preference to other boxes? A. They have no reference to patents. Is that what you asked for?

Q. In preference to other boxes. A. In preference to other boxes, yes.

Now, I want to say this; when I say the Government, the Government doesn't do the buying directly. They are specified in their housing specifications and bought by the contractor.

Q. And this is the box that meets that specification? A. Yes.

Q. And do the other boxes meet that specification? Does Noyes and McGowan and Kettron meet that specification? A. I don't know. They could if they wanted to.

Q. Do they? A. I don't know if they do or not.

Q. You didn't get the question.

Do the Noyes, Kettron and McGowan patents meet the specifications? A. Get away from the Noyes. That isn't a box.

Q. Does the McGowan meet the specifications?

38 A. No.

Q. Does the Kettron meet the specification? A. Yes, but he doesn't have the holding member. He has simply a box without this (indicating).

Q. Is the Government using the Kettron box? A. Yes, but they have to anchor it.

Q. Is the Government using the McGowan box? A. I don't know whether they are using it or not. They are using a porcelain box, but without this (indicating).

Q. Do they use the one with the web across? A. No, they are not using this.

Q. Would you agree with the Appeals Board in this statement::

"The McGowan patent discloses a junction box in which the cables are clamped in place in elongated inwardly extending thimbles by means of screws. These thimbles and screws will be quite effective in securing the cables in place. It is obvious that a portion of each thimble could be cut away at one side and a metal clamping strap could be used for clamping the cable in place instead of using a clamping screw."

Do you agree with that? A. No.

Q. Will you explain that to the Court? A. I think the Court can see that without my explaining it to him. It is this here (indicating).

These bosses are separate from the box, and you have to
place them in the way this reads, and then you have
39 to have a clamping wire after you get in there, as I
previously stated, and a screw into the insulation.
That is this (indicating), and that screws down on to that wire, and if you screw it on tight enough to hold it you are going to injure that wire; and that is not an integral part of the box at all. It is a separate matter.

Mr. Cannon: That is all. Your witness.

Cross examination

By Mr. Cochran::

Q. Mr. Parker, did you invent this box? A. Did I what?

Q. Did you invent this box? A. No, my son.

Q. When did he invent it, do you know? A. What say?

Q. When did he invent it? A. Well, he started on it immediately after that exhibit that I spoke to you about in Rome, after we found out that they were going ahead, and the underwriters would approve a proposition of that kind.

Q. Do you remember what year that was? A. That was 1937, the fall of 1937.

Of course, it ran over into 1938.

Mr. Cochran: That is all.

Mr. Cannon: Any further questions? All right.

The Witness: The exact date he got it finally fixed up I don't remember.

Mr. Cannon: That is all.

(Thereupon the witness was excused and retired
40 from the witness stand.)

Thereupon **William Morrill Parker**, the plaintiff herein, being called as a witness in his own behalf, having been first duly sworn by the Clerk of the Court, assumed the witness stand and, upon examination, testified as follows:

Direct examination

By Mr. Cannon:

Q. What is your full name? A. William Morrill Parker.

Q. Where do you reside? A. Parkersburg, West Virginia.

Q. Where is your plant? A. Parkersburg, West Virginia.

Q. What is the name? A. Union Insulating Company, Incorporated.

Q. The prior witness is your father? A. Yes.

Q. Are you the inventor? A. I am.

Q. And you heard your father testify as to a certain conference of electrical inspectors? A. Yes.

Q. And was it after that convention that you sat down to design and invent this box? A. It was.

Q. Will you explain this box to the Court in your own words? A. May I see the exhibit?

41 The new type of cable which the wire manufacturers were designing and putting on the market, and since have placed on the market, was known, and is known, as a covered neutral cable.

It is entirely new in electrical wiring systems, having one uninsulated conductor.

Q. Will you show it to the Court? A. No insulated conductor (indicating), no insulation on that at all. The other conductor is insulated.

The uninsulated conductor is grounded, therefore, by use of an insulation box, and the grounded neutrals, so termed, and you are able to have a wiring system which is much less than the standard two-insulated conductor systems.

As I stated, in order to accomplish that, you have to have an insulated outlet box. The outlet box must be insulated, of insulated material, and also so designed that no part of it may come in contact with anything that could be wired to, or about which would constitute an electrical circuit, therefore the necessity of the construction of a clamping means so as to accomplish that very thing.

This clamping means is accomplished in the invention in question by the combination of the old idea of a clamp plus the new idea of the construction of a raised boss which is an integral part of the insulated box, so designed so that contact with the screws which, with the metal section clamping the cable to the box, will in no way be possible and, when the conductor is in service, come in contact with anything to permit electrical conductivity.

42 Q. Will you show that to the Judge, what you mean? A. This boss design here (indicating) is an integral part of this box, molded to it. In other words, as it comes out of the press it is molded in this form and so designed that these screws do not go through.

Now, the Underwriters' Laboratories' ruling, and the code, as it is termed, it is the code by which all electrical wiring must be done to be approved for fire insurance, states that cables entering outlet boxes must be anchored to withstand a pull on their tests of 125 pounds for five minutes.

If a box carries that cable clamping means it is not necessary for the cable to be stapled or staked outside the box, but if it is not so designed they must staple or stake the cable within six inches of the box entrance.

In many cases where you are wiring between rafters, and desire to establish the location of a receptacle or a switch which goes into these boxes between the joists, it is necessary, if you do not have the clamping means, to build a substructure to mount this on in order to stake within six inches of the box.

Q. Will you explain what a sub-structure is? A. Well, it may be of certain types of metal brackets which are on the market for that purpose, or it may simply be a piece of wood mounted between the joists and nailed thereto so that the cable coming down may be staked and held to it.

Q. Now, I show you the Kettron box, which the Court
has, with the web in, and I show a further Kettron
43 box. I would like to mark this Exhibit 4.

Mr. Mawhinney: What do you mean, another Kettron box?

Mr. Cannon: One which had a web in it at one end.

Mr. Mawhinney: A webbed Kettron box?

Mr. Cannon: Yes, a webbed Kettron box.

By Mr. Cannon:

Q. Have you performed any experiments with that Kettron box I have just shown to you? A. Yes.

Q. Will you explain to the Court, show to the Court what happened to that Kettron web box? A. This box in the porcelain is made in two pieces, due to the fact that you cannot pull a pin through the transverse holes.

Q. Show the Court what happened to the web there. A. I will come to that in just a minute.

So that they have taken two pieces of porcelain and dipped one of them in a porcelain glaze before it is fired, and then put two pieces of cross web down on the bottom, hoping that the glaze will fire the web to the box.

In this particular sample, which is one that we tested, and I believe will show to be the case with practically all those made, due to the fact that there is a warpage of 3/1000 of an inch in this piece (indicating), when you lay it on there you are not going to get the glaze to stick.

The result is that when we place this under the underwriters' test, and put the wires through the groove, it broke, due to the fact that this end wasn't glazed. The other end was. Only one end was glazed to it.

44 Now, if I go on and explain this Kettron box, the underwriters permit the use, I have a cable here, of a four-inch box, which is that large size there, so-called (indicating), the entrance of eight No. 14 wires to come into that box.

In order for the wire to hold at all on this box, the wire must be threaded to all these coming through the knockout here, to come through that there, and come around a second time, because if you just come through and get only one bend on it, you get no strain relief at all.

In order to make a double bend you can actually use in this two wires, but you have only five holes. In order for that to be used for eight No. 14 wires you have to have to have 16 of those holes in it. Furthermore, the underwriters permit you to use five No. 8 wires in that box.

With the outside diameter of a No. 8 wire just under half inch, you can't get the wires through the holes. Furthermore, that web through there takes up a great deal of the wiring space. When you consider that you want to put in through there eight No. 14 wires to connect up there in the box, you haven't got much room for your wires, and you have again limited the number of wires which can be used in connection with that.

Q. Will you explain your box in that respect, or just before explaining your box in that respect, how long have you been in this business, Mr. Parker? A. I have been associated with the plastic molding business—well, it depends on how far back you want to go, when I was an office boy, about 1914.

45 Q. You grew up in the business? A. Yes, sir.

Q. Where did you graduate from school? A. Harvard.

Q. Harvard? A. Chemical engineer.

Q. You have a plant at Parkersburg? A. Yes.

Q. How many men do you employ? A. We have 275 employees, about one-third being women.

Q. How many shifts are they working? A. Three shifts.

Q. Are they doing Government work? A. Direct or indirect, 100 per cent.

Q. 100 per cent. How do the orders come in on these boxes, that is, are there many orders for these boxes coming in? A. All we can produce. We have on various jobs—as a matter of fact, we have sub-contracted to an outside molder two jobs on account of a specific order on parts equipment. We could not make them all ourselves.

Q. How many are you making? A. We are making three, nine, twelve, about 21,000 a day.

Q. About 21,000 a day? A. Yes, sir.

Q. Does that include your subcontractor? A. That is our total production of outlet boxes.

Q. That is your total production on outlet boxes.
46 Do you sell many to the Government? A. We sell quite a few to the Government direct.

We have been shipping them to England for the Army construction there, and to Iceland, and practically all points where the Government has had construction work, and in Alaska. We have shipped these outlet boxes under the United States Navy Engineers' inspection, and they are going into all of those houses, all this housing project all over the United States.

Q. And do you know the reason, if any, for the Government demanding so many of these boxes? A. There are several reasons. One is that in August—let's see, this is 1941, I believe it was about August there was appointed a Conservation Commission to conserve critical materials.

Q. Such as what? A. At that time steel was the main item, and they knew of the enormous quantity of these outlet boxes that were going into Federal construction—when I say "Federal," I mean all types of Government work, and the specifications were finally issued on February 24, 1942, that on all Federal construction, with the exception of a few cases, and that was where it came underground with air conduit, and a few other cases, I won't go into all those now—that insulated boxes were to be used on all this construction work with the idea of saving steel which goes into the steel outlet boxes.

Furthermore, there was the idea of saving steel by using this type of cable which has no armored cable like 47 BX cable, that twisted cable, or iron cable, which is the iron pipe and, although there was nothing definitely stated, that they had in mind at that time a saving of rubber with the one uninsulated conductor; they certainly put the pressure on it after Pearl Harbor, because they knew what the rubber situation was, and enforced pretty strenuously the use of these on contracts by inspection.

Q. That type of box (indicating)? A. This insulated type of box because of the very critical situation in connection with the use of rubber.

Q. Just for the sake of the record, how much rubber do you figure on saving? A. I figured out on a rough basis of there being about 250 feet of wire in the wiring of this type construction going on now, and we are practically, without outlet, saving fifty feet of wire; this is on No. 14 wire, which has 8 tons of rubber per thousand feet.

I have no conception of the number of houses being built because it is beyond comprehension, but I would say conservatively at least from 250,000 to 300,000 pounds of rubber.

Q. And how about steel? A. Oh, gosh, I would say anywhere between one and two million pounds, something like that.

Q. Getting back to the Kettron box where we left off before, can you tell us how many cables can come in that box, and further on, with that type of cable, where you save so much steel and so much rubber, whether or not that can be used at all in the Kettron box? A. They can't without the
anchoring on the outside, with the exception that if
48 you consider that the underwriters approved this
method, which does not meet the underwriters' test,
they could only use four. You can come in with 12 No. 14 wires. In this (indicating) you can come in with 14.

Q. And how many on the Kettron? A. You could come in with 8, but you can only anchor 4 of them—wait a minute, two of them.

Q. Would you explain to the Court why? A. I explained that, due to the fact that there are not sufficient holes to put it through.

Q. Would you say your box then has preference over the Kettron box on Government requirements? A. The Kettron box as such, but that that patent isn't being used. They first brought it out but never used it because it took up too much room. They discontinued it, and they have to anchor the box on the outside.

Q. When the Examiner cited this patent of Kettron, I showed you that patent and you had time then to study that patent, didn't you? A. Yes, sir.

Q. And since the Examiner cited the Noyes patent you have had a chance to study and get familiar with that patent? A. Yes.

Q. And also with the McGowan patent? A. Yes, sir.

Q. Will you explain your patent in view—I withdraw that question and I will come back to that.

In reference to the Kettron patent and the knock-
49 outs, are the knockouts old in the art? A. They are.

Q. To your knowledge, how long have they been in the art? A. Well, very shortly after the steel pressed box was brought out, about 1908.

Q. And was any other type of box used before that, wood or anything else? A. Well, there was a cast box used prior to that, and then the old, old construction, which was before my time, but which I have seen, was just the mere making of the wooden box and lining it with asbestos.

Q. You don't claim that the knockout is a new element? A. No, sir.

Q. What do you claim is the new element in your invention? A. The new element in our invention is the combination of the knockout, of the clamp, and of the raised barrier being an integral part of a plastic molded box whereby the box becomes an insulated box under all conditions of installation, that the screws cannot go through to ground, or short circuit, but by the combination of those you are able to build a box which clamps this type of cable in the box and permits us cheaply, economically and safely to meet the underwriters' requirements for the so-called ground neutral insulated wiring system.

Q. Does your box meet that requirement? A. Absolutely, and, incidentally, is the only box on the market with a clamp in that connection.

50 Q. Have you seen the Kettron box with the web on the market and in use today? A. I have not, sir.

Q. Looking at the Noyes patent, will you explain to the Court wherein your patent differs from the Noyes patent? A. In the first place, that Noyes patent does not cover an outlet box. The equivalent of an outlet box is this steel in here (indicating). I can hardly describe it.

Q. Will you point to it? A. I think it is C.

Q. And will you show it to the Court?

What is it characterized as? A. C and C2 in combination, I would say.

Q. Will you show the Court?

The Court: C and C2?

The Witness: Yes.

The Court: I can see it.

By Mr. Cannon:

Q. Will you explain to the Court what Noyes does to this patent, and wherein it differs from your invention? A. Noyes provides no means whatsoever of anchoring the cable in an outlet box. It shows it comes through what would be considered the equivalent of an outlet box, and connects to a receptacle, so-called container.

It is a plug type receptacle, is what he shows. He apparently is illustrating what is known as BX cable in a patent. He has stripped the coiled cable back, steel cable back, before he has applied his clamp.

Q. That clamp, is that L? Can you characterize
51 that clamp, and will you refer to the section and page
of the patent wherein that is stated? A. L.

Q. Now, will you refer to the page and line wherein he states that? A. Yes, "And in one of these bakelite blocks, as for example, H, there are preferable also embedded, during the fabrication thereof, anchorage elements, as L, designed, when the blocks are drawn into juxtaposition, to clamplingly seize the exposed or scraped ends of the power wires, so as to prevent their withdrawal even when considerable pull is exerted lengthwise thereof."

Q. Page 2, starting with line 20. A. I quoted to line 28.

Q. That is the first claim there on that page? A. The first claim. He therefore definitely states that he is clamping to the bare conductor, therefore, he does not show a cable clamp at all. He shows a wire clamp, or what is termed as a terminal clamp, and your Patent Examiners in their reference definitely refer to and admit that he refers to a terminal clamp.

Q. I quote then to you from the opinion of the Appeals Board, page 2, paragraph 3, starting here,

"Noyes shows an electrical terminal structure made of Bakelite. The cables are secured in concave recesses in one part of the structure and are held therein by means of convex metal clamping bars. This patent therefore clearly suggests the use of cooperating concaved parts for securely holding the cables in place."

52 Do you agree with this statement of the Appeals
Board? A. That don't refer to terminal connection,
does it?

Q. "Noyes shows a terminal structure made of Bakelite." A. Yes.

Q. Do you agree with that statement? A. No, I do not.

Q. Wherein do you differ? A. I differ wherein I refer to the statement wherein they refer to a cable connection, not a cable clamp.

Q. And you have a cable clamp? A. We have what is termed as a cable clamp entering into an outlet box.

Now, this box may go to two or three electrical units after they get there, not to one definite item, but they are all anchored there at that point.

Q. The bare wires? A. No, the cable, before the wires are stripped back to make the connection.

Q. And that is completely insulated? A. That is completely insulated.

Now, going further with this; there is nothing as described in Noyes, or shown in Noyes, in the first place, that refers to a clamping of the cables rather than clamping of the wire conductors.

There is nothing in there that provides, or mentions, or shows, any definite post or plug, becoming an integral part of the outlet box which will permit the clamping of the cable with the type of screws which we have requested,
type of construction with the screws we have re-
53 quested, that when you clamp down your clamps on
the cables you will have an insulated receptacle wiring job.

The question of taking a cable and running along the wall and clamping that up, that is old, but it is the combination that is new.

Q. Is this means "L" as shown by Noyes in his patent an old means? A. Decidedly old, yes, sir.

Q. That is not the new element you claim, is it? A. No, we claim that in combination with the new element.

Q. Now, the Examiner in his rejection, on page 4, states the following:

"In rejecting claims 27, 28, and 33, I regard it as unpatentable over the Kettron patent in view of Noyes since there is believed to be no invention in using the clamping means of Noyes in the Kettron box. It is customary to place the cable clamping means adjacent to the cable entrance as evidenced by the McGowan patent of record."

Now, let's deal with the first part of that statement, "unpatentable over the Kettron patent in view of Noyes since there is believed to be no invention in using the clamping means of Noyes in the Kettron box."

Could you do that? A. If you will take the clamping means in Noyes, as shown and disclosed, and put it into Kettron's box, you would not have an insulated wiring box unless you definitely employed the additional element which
we have in ours, because you would go clean through
54 your box with your screws and you wouldn't have an
insulated system.

Q. That is, the new element is the boss, or bridge? A. Yes, sir.

Q. Now, continuing on with the Examiner's statement:

"It is customary to place the cable clamping means adjacent to cable entrance as evidenced by the McGowan patent, of record."

Now, would you explain to the Court wherein your patent differs from the McGowan patent of record? A. The McGowan patent apparently was brought out at the time of the production, or about that time, of what has been termed BX armored sheet cable, that is, coiled steel stuff.

The McGowan patent, as you know, is right old.

At the time the underwriters permitted the use of a set screw to hold that cable. Since that time that has been abolished, due to the fact that even on armored cable it was found that the screw pierced in between if set up tight enough, and caused short circuits.

Now, it is very obvious that if you employ what is shown here on a cable which has nothing more nor less than a woven insulation about it, with some compound placed over it, a one wrapper conductor, if you should take a set screw, which probably that set screw when tightened down will apply about 250 pounds pressure depending on the size of the screw, when it will break off, that you will just drive your screw right through this wire.

It in no way discloses or cites anything in connection with the use of a clamping means in an insulated box.

Q. Do you agree with the Examiner's statement, 55 then, that the Noyes, in view of your patent, without the addition of any elements of the Noyes patent, shows an outlet box, wherein he says, page 4, top paragraph, "The Noyes patent shows an outlet box formed of Bakelite having a depression therein and a clamping means L held against a cable by means of screws threaded in the Bakelite"? A. I didn't quite get that.

Q. The Examiner says, just prior to his rejection, quoting on page 4, "The Noyes patent shows an outlet box formed of Bakelite having a depression therein and a clamping means L held against a cable by means of screws threaded in the Bakelite," and he calls this an outlet box. A. It is not an outlet box at all. It is known as a duplex receptacle.

Q. Does that indicate that the Examiner did not understand the difference between a duplex rceptacle and an outlet box? A. Absolutely, as he refers to a terminal connection.

Q. And continuing on that statement again, he says, "The Noyes patent shows an outlet box." That you have explained.

"Formed of Bakelite having a depression therein and a clamping means L held against a cable by means of screws threaded in the Bakelite."

Now, that clamping means L you say is old in the art? A. Yes.

Q. And could not be used in your invention without the
addition of the new element? A. Without the addi-
56 tion of the new element, due to the fact if you just
took a clamp and put it through my box the screws
would go all the way through.

Q. Now, on page 4 the Examiner says this:

"The McGowan patent shows that it is old to have the clamping seat for the cable integral and adjacent to the cable opening."

Would you call the McGowan a clamping seat? A. No, sir. I would call it a set screw seat.

Q. And without the addition of your new element do you think that the McGowan patent would suggest your patent? A. Not whatsoever, in no respect.

The Court: How much longer will you take?

Mr. Cannon: I think probably ten or fifteen minutes. This witness could be finished in about ten minutes, and I have another witness.

The Court: I will take this up tomorrow morning.

Mr. Cannon: Your Honor, this witness comes from Virginia, and one from New York, I am from New York, and one from Baltimore.

The Court: Unfortunately, I am under the doctor's orders not to sit beyond one o'clock.

Mr. Cannon: Just about five minutes more.

The Court: Very well. I will sit another five minutes.

By Mr. Cannon:

Q. On page 3 of the opinion of the Appeals Board the
Board says, first paragraph, about half way down, merely
says, "Noyes clearly shows the use of a concave seat and
a convex clamp for holding a cable securely in place. Any
one skilled in the art would be taught that such a
57 construction could be used in any junction box and
serve the same purpose. McGowan teaches arranging
such a construction at the side opening through which
the cable enters the box."

Now, would you say that anyone versed in the art, looking at Kettron, Noyes and McGowan, would arrive at that conclusion? A. No, I would not.

Q. And will you explain your answer? A. I don't see where you can—wait a minute, let me get it right, McGowan certainly does not show anything that would be applicable to an insulated box at all.

Q. And Kettron and Noyes? A. Kettron has no reference at all. His idea is entirely foreign to the point applied for in the patent, as far as application is concerned. He does have the idea of maybe trying to hold a wire, but as to Noyes, in the first place, it does not refer to a box at all. It refers to a terminal clamping and gives no suggestion in any way as to the construction of the combinations as applied for on the patent in question, and I believe I am correct in stating that if you will note the Examiner's statement that they do not in any way themselves refer to that bridge as being old.

Q. No, and they don't—

The Court (interposing): By "bridge" what do you mean?

The Witness: This raised thing (indicating) which makes the idea a commercial article, sir, in combination.

By Mr. Cannon:

Q. Don't in any way state that? A. No.

58 Mr. Cannon: That is all.

Cross-examination by Mr. Cochran:

Q. Mr. Parker, you don't claim to be the first person who ever made a Bakelite outlet box, outlet box of Bakelite, do you? A. As far as the term is used in connection with electrical wiring work I believe mine is the first one generally used.

Now, when you say "out of Bakelite," that is a pretty hard thing to say. I happen to know myself that a coal company down in Louisville wanted a water-tight outlet box, and wrote up and said, "Can you get some of them?"

Now, if you are going to take specific cases, no, but that was used in connection with iron conduits.

Q. You do not mean to contend, then, that you are the inventor of using Bakelite for outlet boxes, do you? A. No, sir.

Q. Now, will you refer to the Noyes patent and tell me whether it is true that the clamping means used by Noyes is the same sort of clamping means used in your box? A. No, sir, the use of a metal clamp, but it is not in combination to accomplish what I accomplish.

Q. Assuming that Noyes is not a box in the technical sense of the term, but merely a connecting device, isn't it using the same clamp? A. No, sir; he uses a metal clamp, but not the raised boss with clamp.

59 Q. Opposite the metal clamp he has a concave depression, does he not, in which the wire sinks? A. Right. I admit that.

Q. And you have a concave recess? A. Yes.

Q. And corresponding reversed concave clamp? A. The cable and the clamp.

Q. If it was put in the box it would not accomplish the purpose? A. Yes, but even you apply that to my box. You haven't an insulated box unless you apply my element.

Mr. Cannon: That is the raised boss?

The Witness: Yes.

Mr. Cochran: That is all.

Mr. Cannon: That is all.

(Thereupon the witness was excused and retired from the witness stand.)

Thereupon **Lawrence Edward Noon** was called as a witness for and on behalf of the plaintiff, having been first duly sworn by the Clerk of the Court, assumed the witness stand and, upon examination, testified as follows:

Direct Examination

By Mr. Cannon:

Q. What is you name, sir? A. Lawrence Edward Noon.

Q. Where do you live? A. 2400 Edmonston Avenue, Baltimore, Maryland.

60 Q. What is your occupation? A. Electrician.

Q. How long have you been in that business? A. I have been in it better than 25 years.

Q. You had a conference with me yesterday afternoon? A. Yes, that's right.

Q. You examined the Noyes patent? A. Yes, sir.

Q. The Kettron patent? A. That's right.

Q. And the McGowan patent? A. Yes.

Q. Have you ever seen the Noyes patent on the market? A. No, I have not.

Q. Would the Noyes box, if it could be used as a box, be practical in use? A. No, I consider it impracticable.

Q. Would you say it is more expensive? A. It would be more expensive to install, and more difficult to use on certain types of work.

Q. And it is not completely insulated? A. Well, I couldn't—

Q. (Interposing) Will you look at page 2?

Mr. Mawhinney: You can argue that.

Mr. Cannon: All right, I withdraw the question.

By Mr. Cannon:

Q. Have you seen the Kettron patent on the market? A. No, I have not.

Q. Have you used the plaintiff's box? A. Yes,
61 sir, I have.

Q. On many jobs? A. I am using them on five jobs now.

Q. How do you find the box? A. Excellent.

Q. Does it meet the underwriters' requirements? A. It does meet the underwriters' requirements and makes a very simple installation.

Q. Have you seen the McGowan patent on the market? A. I have seen something similar to McGowan, that is, the underwriters cancelled the use of it.

Q. What was that due to? A. Due to the set screws that pierced the cables and because it short circuits on the ground systems.

Q. Could you use it with the new type of wiring? A. You couldn't use it with the new type of wiring, especially mine.

Q. You are familiar with the art since 1915? A. Since 1915.

Q. And would you say, from your experience, looking at the McGowan patent, and the Noyes patent, and the Kettron patent, that ordinarily in the every day course of your trade that they make a box such as the plaintiff has here? A. I don't see how they could.

Mr. Cannon: That is all.

Cross Examination

By Mr. Cochran:

Q. You have used many boxes over the past 25 or 26 years? A. Yes.

62 Q. All of them have met the underwriter's requirements, have they not? A. Yes.

Mr. Cochran: That is all.

Redirect Examination

By Mr. Cannon:

Q. In what respect have they met the underwriter's requirements? A. The underwriters have certain specifications that must be met on all boxes, and all the contractors we work for we do not install any materials unless it has the underwriters' label.

Q. What type of boxes were those, metal or what? A. Mostly metal, mostly steel. I have worked with porcelain, steel and Bakelite.

Q. Do they have to be anchored? Do the other boxes you used have to be anchored? A. Do you mean the cable?

Q. Yes. A. Within six inches of where your cable enters your box.

Q. It is not necessary, is it, under the underwriters' requirements, to anchor the plaintiff's box? A. No, you can go a greater distance away with a box with a clamp like that in it.

It cuts down time by half in using this box. In these buildings the joists are further separated. It used to be around 16 inches, and have gone up to 24 inches now, and it would mean we would have to put on a man to nail 63 up battens in view of the section of the underwriters' code which says we must staple within six inches of a box.

Q. How about the Noyes? A. On the Noyes we get 12 to 18 inches back and use a staple bar hanger to come over and fasten them in there physically.

Q. What would happen if you plastered over the Noyes? A. If you plastered over the Noyes you would really have yourself some trouble.

The plaster would come into this part (indicating) that is molded, I guess it is molded, or cast, in the receptable block.

What I mean is this solid block here. These contacts for this receptacle are placed in the mold, and then your Bakelite is probably poured in there, and you would have these exposed contacts you would have to clean out after you roughed in.

Q. Is that true of the plaintiff's box? A. No.

Mr. Cannon: That is all.

Mr. Cochran: No further questions.

(Thereupon the witness was excused and retired from the witness stand.)

Mr. Cannon: That is all.

Mr. Cochran: May I offer in evidence, your Honor, this folder containing references as follows: The McGowan patent, the Noyes patent, the Kettron patent, a print of drawings, the Examiner's statement, and the decision of the Board of Appeals?

64 The Court: It may be admitted.

(The document referred to is as follows:

“DEFENDANT’S EXHIBIT NO. 1.

Parker v. Coe—Civil Action No. 13,680

A—McGowan, 838,886
B—Noyes, 2,042,620
C—Kettron, 2,113,918
D—Print of Drawings,
E—Examiner’s Statement,
F—Decision of the Board of Appeals.”

Mr. Cannon: Does your Honor want these exhibits?

The Court: No, I don’t think so.

What do you want to do about arguing this case?

Mr. Cannon: Do you want to hear any further argument today.

The Court: No. I won’t hear any argument today.

If you want to argue it further you can agree with counsel as to the time.

Mr. Cannon: Can I arrange that at a later date, because I have another case up in New York tomorrow?

The Court: Arrange it for a later date.

Mr. Cochran: Your Honor prefers an argument to written briefs?

The Court: No, I am perfectly willing to take it on brief if you wish to file a brief, or I am willing to take it on the record and the stenographer’s transcript.

65 Mr. Cannon: I will submit a brief, your Honor. Will you give me some time to do that?

The Court: How long do you wish? I would like to have it before I forget all about it.

Mr. Cannon: Would two weeks be too long?

The Court: You can file yours in a few days afterward?

Mr. Cochran: Four or five days afterward.

Mr. Cannon: And would I have a chance to reply?

The Court: You can take two days to reply if you wish, or you can take three days if you wish.

(Thereupon the instant hearing was concluded.)

Filed Jul 8-1943 Charles E. Stewart, Clerk

PLAINTIFF'S EXHIBIT NO. 1.

NUMBER (Series of 1935)
194327

PATENT No
1938
DATED

DIV. 47 ~~52~~ 65

(EX'R'S BOOK)

Name WILLIAM MORRILL PARKER

of PARKERSBURG
State of WEST VIRGINIA
Invention
INSULATED OUTLET RECEPTACLE AND JUNCTION BOX AND UNITS

ORIGINAL	RENEWED
APPLICATION FILED COMPLETE MAR 7, 1938	
PARTS OF APPLICATION FILED: Petition, Specification, Oath, First Fee $30, 2 sheets Drawings, MAR 7, 1938	
Photo Copies Jan. 11, 19	
Examined and passed for Issue ...., 193	Reexam'd and passed for Issue ...., 193
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Notice of Allowance ...., 193 By Commissioner.	Notice of Allowance ...., 193 By Commissioner.
Final Fee ...., 193	Final Fee ...., 193

Attorney JAMES J. CANNON 31 ABBINGTON TERRACE GLEN ROCK N J.

Associate Attorney

No. of Claims Allowed .... Print Claims .... in O.G. Class ....
Title as allowed

Division of App., No. ...., filed ...., 19

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68 Endorsed: Filed Aug 10 1943 Charles E. Stewart, Clerk.

Endorsed: Mail Division Mar 7 1938 U. S. Patent Office.

Mar-7-38 170154 D-Check—30.00

James J. Cannon
Member New York-New Jersey Bars
Patent Causes
Thirty-one Abbington Terrace
Glen Rock, New Jersey
Ridgewood 6-3637

February 25, 1938.

Hon. Commissioner of Patents,
Washington, D. C.
Re: Insulated Outlet Receptacle and Junction Box and Units

Dear Sir:

I am enclosing petition, specifications, claims, oath and drawings (2) in the above matter together with a certified check in the sum of Thirty Dollars ($30.00) to cover your filing fee.

Very truly yours,

JAMES J. CANNON.

JJC:H
Enc.

69 *Petition*

To the Commissioner of Patents:

Your petitioner, William Morrill Parker, Parkersburg, W. Va., prays that Letters Patent may be granted to him for the improvement in INSULATED OUTLET RECEPTACLE AND UNITS, as set forth in the annexed specification; and he hereby appoints James J. Cannon, with offices at 31 Abbington Terrace, Glen Rock, New Jersey, Registration No. 13000, his attorney with full power of substitution, revocation and addition, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office in connection therewith.

WILLIAM MORRILL PARKER.

70 *Specification*

To All Whom It May Concern:

Be it known that I, William Morrill Parker, a citizen of the United States, residing at Parkersburgh, in the County of Wood, and State of West Virginia, having invented a new and useful combination INSULATED OUTLET RECEPTACLE AND JUNCTION BOX AND UNITS, of which the following is a specification.

My invention relates to improvements in a combination outlet receptacle and junction box and units which is completely insulated. The objects of my invention are first, to provide a completely insulated outlet, receptacle and junction box and units as an aid to accomplishing a completely insulated cable system; second, to eliminate the necessity of a separate outlet and junction box and separate units; third, to lessen costs, and fourth, to provide a box which will resist corrosion from moisture or corrosive fumes. Also a box which may be ventilated or sealed so that it is airtight, as the occasion requires. With such combination box and units, short circuits and fire hazards are entirely eliminated, costs reduced and corrosion eliminated.

One form of my invention is illustrated in the accompanying drawing in which Figure 1 is a plan view. Figure 2 is a cross section through Figure 1 on line 2-2; Figure 3 is an inverted plan view; Figure 4 is an end elevation; Figure 5 is a modification in cross section showing device used as a socket holder; Figure 6 is a view on line 6-6 of Figure 5; Figure 7 is a cross section of device when used as a receptacle for an electric plug; Figure 8 is a plan view of Figure

7; Figure 9 is an inverted view of Figure 7 with cover plate removed and with contacts omitted.

71 Reading on Figures 1, 2, 5, 6, 7, 8, and 9 of my device, it consists of a cap 10, sidewalls 11, portion 12, knockout section 13, fastening holes 14, lead in holes 15, bridge member 16, contact section 17, clamping member 19, clamping screws 20, skirt for clamping member 21.

Reading in Figures 5 and 6 we have post 22, contact 23, fastening screws 24, contact plate 25, fastening screws 26, shell member 27, leads 28, cover 29, opening in cover 30.

Reading on Figures 7, 8 and 9, we have two posts 35, connecting bridge 36, groove 37, contact plate 38, contact 39, fastening screws 40, terminal posts 41, plug 42, cover plate 43, slots for prongs 44, fastening screws 45.

A cable is placed in the box and it is held in place by the clamping member 19 through which the cable passes. As the clamping screws 20 are tightened bridge 16 tightens and firmly grips the cable.

The units are a permanent part of the box and not an assembled fitting, as can be seen in Figure 3. The box may be used for one or more cables, which may be connected to form one or more circuits or an outlet or one or more receptacles, if desired. When the box is used as a socket container as shown in Figure 5, the posts 22 and shell 27 are permanently fixed in the said box. When the box is used as a receptacle posts 35 and connecting bridge 36 are permanently fixed in the said box.

My device may be made principally out of a non-conduc-
tive moulding compound such as, for example, bake-
72 lite, porcelain, or any other such non-conductive
moulding compound. My object is using a non-conductive moulding compound in making the box and unit is to have, as already stated, a non-conductive box and unit, and thus eliminate the use of the old metal box which not only corrodes from moisture and corrosive fumes, but which, in many cases, may act as a conductor and thus may cause short circuits and may cause fires. Furthermore,

I provide a box which may be ventilated or sealed as the occasion may require.

Another object of my device is to cut costs by eliminating the separate unit and constructing the box and unit, as one, as already stated. While my box may be used solely as a junction box, it is also available for use as an outlet box in which a bulb may be installed without any further attachment or it may be made up to act as a junction box and contain at the same time one or more receptacles. It may however, be used completely as an outlet box, if desired.

The only part of my device which might be advisable to make of iron and steel are the clamping members 19 and skirt 20 also the clamping screws 24 and mounting screw 25 which in no way affects the objects of this my invention. However, other materials and means may be used to effect said purpose within the scope of the claims. Instead of using metal for clamping members 19, and for skirt for clamping members 21, any rigid material may be used. Instead of using clamping screws 24, and mounting screws 25, other methods of fastening may be used within the scope of the claims. Instead of using a concave section as shown at 17, a convex, or other form may be used within the scope of the claims.

73 My device may have other uses other than those shown in Figures 3, 5 and 7, which show its application as a junction box, lamp socket or as a receptacle.

While I have illustrated my invention in one form only and as made of specific materials, I do not intend to limit myself to that particular design, method or materials, as it is apparent that other designs, methods, and materials may be employed for obtaining the same results within the scope of my claims without departing from the scope or spirit of my invention.

Claims

1. An article of manufacture, as described, made from a moulding compound, having means to receive cables, means

to hold said cables and means for attaching said article at any desired place.

2. In combination, an article of manufacture, as described, made from a moulding compound, having means to receive cables, means to hold said cables and means for attaching said article at any desired place, and means for outlet.

3. In combination, an article of manufacture as described, made from a moulding compound, having means to receive cables, means to hold said cables and means for attaching said article at any desired place and means for using same as a receptacle.

4. An article of manufacture, as described, made from a non-conductive moulding compound, having means to receive cables, means to hold said cables and means for attaching said article at any desired place.

74 5. An article of manufacture, as described, made from a non-conductive moulding compound, having means to receive cables, means to hold said cables and means for attaching said article at any desired place and means for outlet and lamp socket.

6. An article of manufacture, as described, made from a non-conductive moulding compound, having means to receive cables, means to hold said cables and means for attaching said article at any desired place and means for using same as a receptacle.

7. An article of manufacture as described, made from a non-conductive moulding compound, having means to receive cables, means upon which the cables rests, means for gripping the cable, means for clamping said cable, and means for attaching said article at any desired place.

8. An article of manufacture, as described, made from a non-conductive moulding compound, having means to receive cables, means upon which the cable rests, means for gripping the cable, means for clamping said cable, and means for attaching said article at any desired place and means for outlet and lamp socket.

9. An article of manufacture as described, made from a non-conductive moulding compound, having means to receive cables, means upon which the cable rests, means for gripping the cable, means for clamping said cable, means for attaching said article at any desired place and means for using same as a receptacle.

75 10. In an article of manufacture, as described. made from a non-conductive moulding compound, having a hole to receive a cable, having a support within said article and under said cable hole, having a clamping device which fits over the cable and fastens into said support thus holding the cable in place and having means for fastening said article at any desired place and having an outlet and socket to receive an electric bulb.

11. In an article of manufacture, as described, made from a non-conductive moulding compound, having a hole to receive a cable, having a support within said article and under said cable hole, having a clamping device which fits over the cable and fastens into said support thus holding the cable in place and having means for fastening said article at any desired place and having means for using same as a receptacle.

12. In an article of manufacture as described, made from a non-conductive moulding compound, having holes to receive cables, having a concave support under said cable hole adjacent to said hole and made a part of said article, having a clamping section to hold said cables in place, said clamping section being fastened to the support section and holes in said article to enable one to fasten the article at any desired place and having an outlet and socket to receive an electric bulb.

13. In an article of manufacture as described, made from a non-conductive moulding compound and having means for using same as a receptacle.

14. In an article of manufacture as described, made from a non-conductive moulding compound and having a socket to receive an electric bulb.

15. In an article of manufacture as described, made from
a non-conductive moulding compound, having posts,
76 a connecting bridge, grooves, contact plates, contact,
fastening screws, terminal posts, and cover plate containing slots for prongs.

16. In an article of manufacture as described, made from a non-conductive moulding compound, having posts, contact, fastening screws, contact plate, shell member and a cover with an opening therein.

17. In an article of manufacture as described made from a non-conductive moulding compound, having holes to receive cables, having a concave support under said holes and forming an integral part of the said article, a convex section with skirt to likewise hold the cables in place, means for fastening said convex section to the concave section and also means for holding said article in place.

18. In combination, a cup shape device made of a non-conductive moulding compound, consisting of knockout sections to receive cables, having supports under said knockout sections, said supports forming an integral part of said device, having curved clamp with skirt to hold said cable on said support and in said device and means for fastening said clamping device in place and means for holding said device.

19. A cup shape device made of a non-conductive moulding compound, consisting of a portion containing a knockout section, sides containing knockout sections, said side knockout sections to receive cables, and having supports which form an integral part of the side walls and under said knockout section, also a clamping section to place over the cables and cable supports and means for fastening said clamping device in place and means for holding the cup shape device.

77 20. In combination a cup shape device made of a
non-conductive moulding compound, consisting of a
portion containing a knockout section, sides containing knockout holes to receive cables, and having supports, which supports form integral part of the side walls just under

the holes, also a clamping section to place over the cables and cable supports to hold the cables in place, and means for fastening said clamping device to the cable support and means for holding the cup shape device.

78 In Testimony Whereof, I have signed my name to this specification this 13th day of January, 1938

WILLIAM MORRILL PARKER.

Oath

State of West Virginia, County of Wood, ss:

William Morrill Parker the above named petitioner, being sworn, deposes and says that he is a citizen of the United States, residing at Parkersburgh, in the County of Wood, in the State of West Virginia, and that he verily believes himself to be the original, first and sole inventor of the improvement in Insulated Outlet Receptacle and Junction Box and Units, as described and claimed in the annexed specification; that he does not know and does not believe that the same was ever known or used before his invention or discovery thereof; or patented or described in any printed publication in any country before his invention or discovery thereof, or more than two years prior to this application; or patented or caused to be patented in any country foreign to the United States by him or his legal representatives or assigns on an application filed more than twelve months prior to the filing of this application; or in public use or on sale in the United States for more than two years prior to this application; and that no application for patent on said improvement has been filed by him or his legal representatives or assigns in any country foreign to the United States.

WILLIAM MORRILL PARKER.

For New Oath see paper No. 4.

Sworn to and subscribed before me this 13th day of January, 1938.

A. B. DAVIS,

(Seal) *Notary Public for State of West Virginia.*

My Commission Expires Mar 18, 1939.

Fig. 1

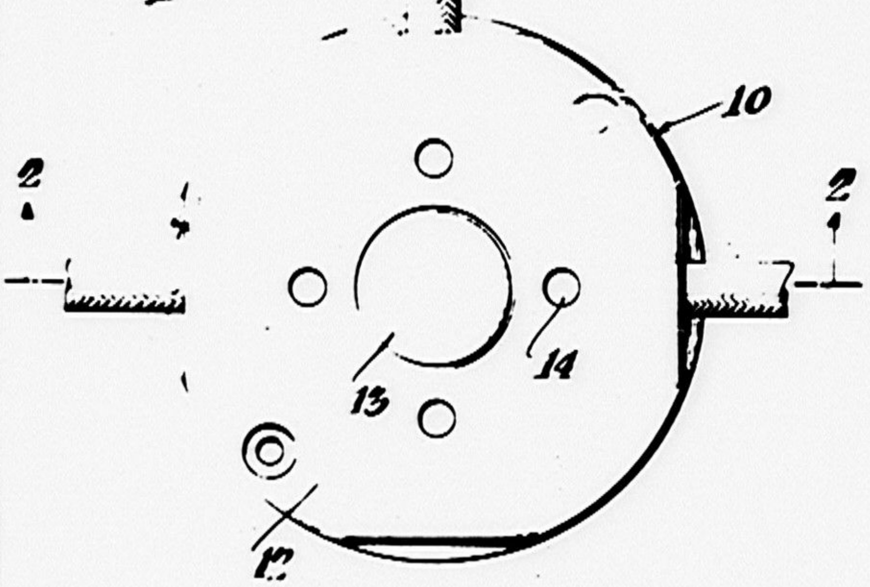


Fig. 4

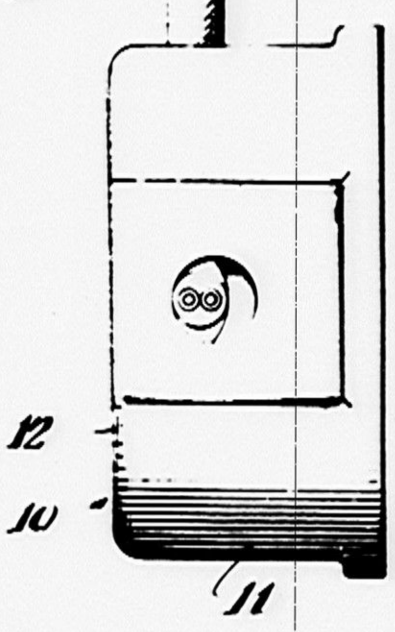


Fig. 2

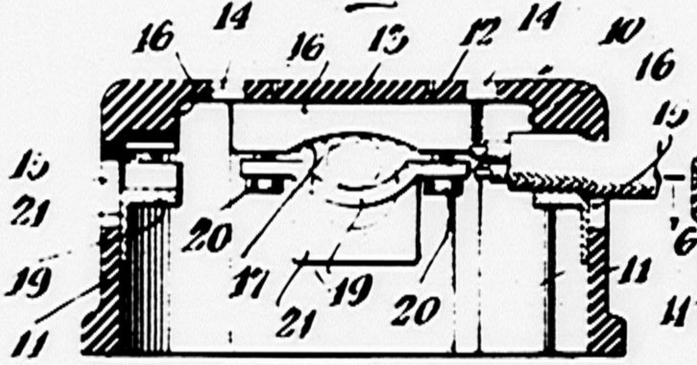


Fig. 5

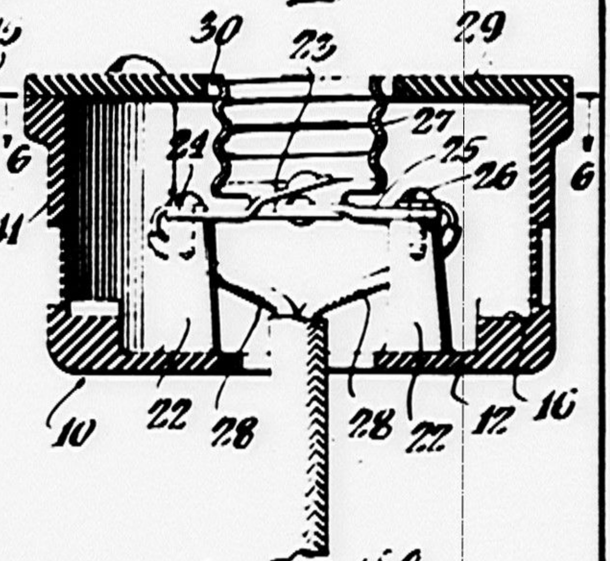
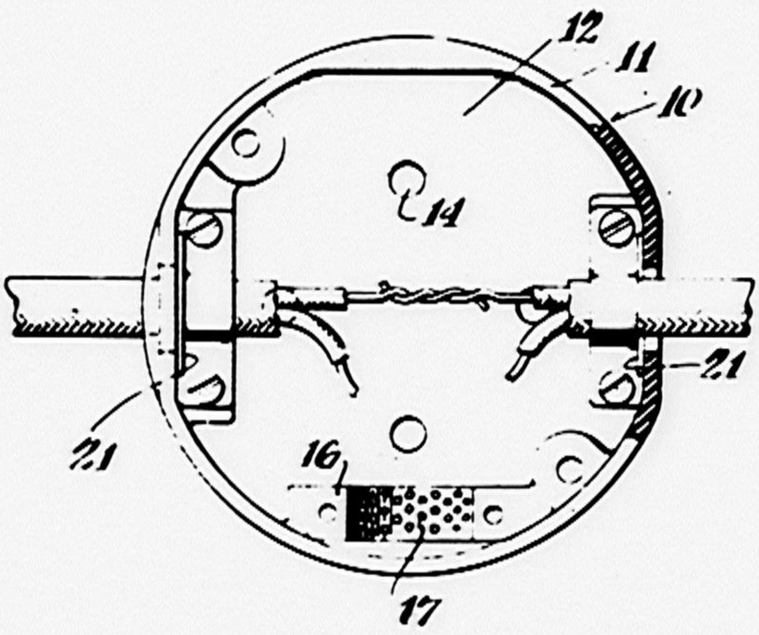


Fig. 3



INVENTOR
William Morrill Parker
BY James J. Cannon
TORNEY

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Fig. 6
cancelled

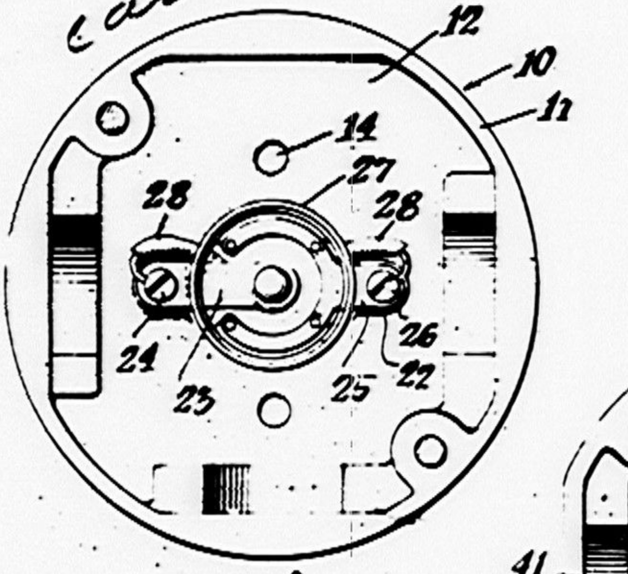


Fig. 9 7

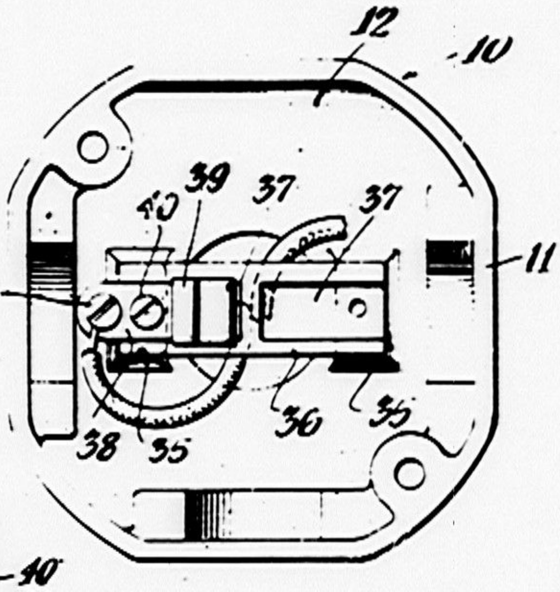


Fig. 7
5
45

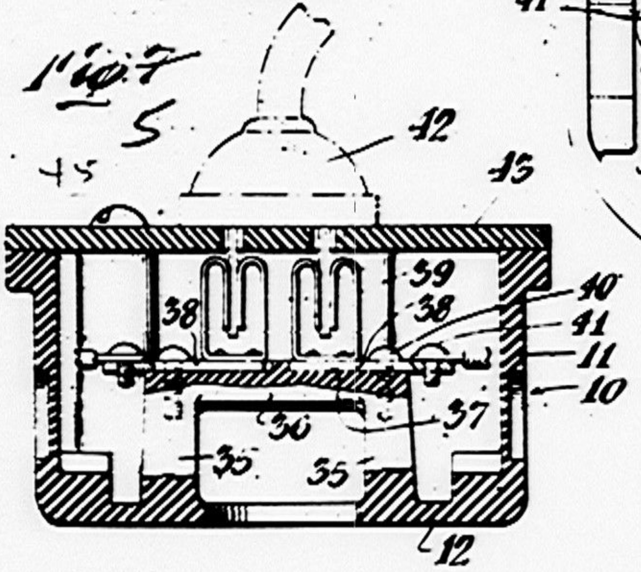
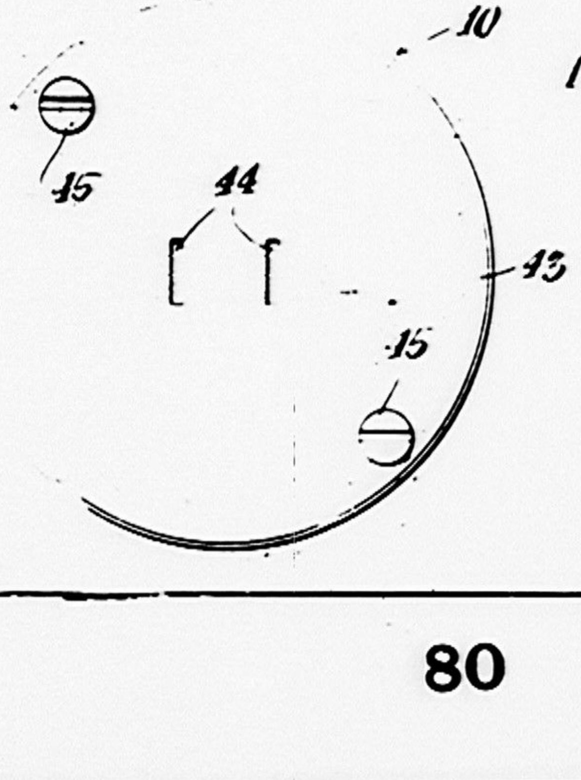


Fig. 8
6



INVENTOR
William Morrill Parker
BY
ATTORNEY

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81 Endorsed: Mailed Jun 14 1938

Applicant: W. M. Parker

Ser. No. 194,327
Filed March 7, 1938
For Insulated Outlet Receptacle and Junction box and Units.

James J. Cannon,
31 Abbington Terrace,
Glen Rock, N. J.

This application has been examined.

References made of record:

Kettron	2,113,918	Apr. 12, 1938	247-15
Noyes	2,042,620	June 2, 1936	247-15

The claims are rejected on either Kettron or Noyes, cited, the application of which should be obvious. The cable clamps are shown at J and L in Noyes. The knockouts, etc., of Kettron are too prominent and clear to need pointing out.

The post office address is omitted.

A new specification is required, the present one being unsigned.

M. K. KNOTTS
Examiner.

W.A.S.

82 *Petition*

To the Commissioner of Patents:

Your petitioner, William Morrill Parker, a citizen of the United States, and a resident of Parkersburg, in the County of Wood, and State of West Virginia, whose Post Office address is Parkersburg, State of West Virginia, prays that Letters Patent may be granted to him for the improvement in Insulated Outlet Receptacle and Units, as set forth in the annexed specification; and he hereby appoints James J. Cannon, with offices at 31 Abbington Terrace, Glen Rock, New Jersey, Registration No. 13000, his attorney with full power of substitution, revocation and addition, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office in connection therewith.

WILLIAM MORRILL PARKER.

83 *Specification*

To All Whom It May Concern:

Be it known that I, William Morrill Parker, a citizen of the United States, residing at Parkersburg, in the County of Wood, and State of West Virginia, having invented a new and useful combination Insulated Outlet Receptacle and Junction Box and Units, of which the following is a specification.

My invention relates to improvements in a combination outlet receptacle and junction box and units which is completely insulated. The objects of my invention are first, to provide a completely insulated outlet, receptacle and junction box and units as an aid to accomplishing a completely insulated cable system; second, to eliminate the necessity of a separate outlet and junction box and separate units; third, to lessen costs, and fourth, to provide a box which will resist corrosion from moisture or corrosive fumes. Also a box which may be ventilated or sealed so that it is air tight, as the occasion requires. With such combination box and units, short circuits and fire hazards are entirely eliminated, costs reduced and corrosion eliminated.

One form of my invention is illustrated in the accompanying drawing in which Figure 1 is a plan view. Figure 2 is a cross section through Figure 1 on line 2-2; Figure 3

is an inverted plan view; Figure 4 is an end elevation; Figure 5 is a modification in cross section showing device used as a socket holder; Figure 6 is a view on line 6-6 of Figure
5; Figure 7 is a cross section of device when used as
84 a receptacle for an electric plug; Figure 6 is a plan
view of Figure 7; Figure 9 is an inverted view of Figure 7 with cover plate removed and with contacts omitted.

Reading on Figures 1, 2, 5, 6, 7, 8, and 9 of my device, it consists of a cap 10, sidewalls 11, portion 12, knockout section 13, fastening holes 14, lead in holes 15, bridge member 16, contact section 17, clamping member 19, clamping screws 20, skirt for clamping member 21,

Reading on Figures 5 and 6 we have post 22, contact 23, fastening screws 24, contact plate 25, fastening screws 26, shell member 27, leads 28, cover 29, opening in cover 30.

Reading on Figures 7, 8 and 9, we have two posts 35, connecting bridge 36, groove 37, contact plate 38, contact 39, fastening screws 40, terminal posts 41, plugs 42, cover plate 43, slots for prongs 44, fastening screws 45.

A cable is placed in the box and it is held in place by the clamping member 19 through which the cable passes. As the clamping screws 20 are tightened bridge 16 tightens and firmly grips the cable.

The units are a permanent part of the box and not an assembled fitting, as can be seen in Figure 3. The box may be used for one or more cables, which may be connected to form one or more circuits or an outlet or one or more receptacles, if desired. When the box is used as a socket container as shown in Figure 5, the posts 22 and shell 27 are permanently fixed in the said box. When the box is used as a receptacle posts 35 and connecting bridge 36 are
permanently fixed in the said box.

85 My device may be made principally out of a non-
conductive moulding compound such as, for example, bakelite, porcelain, or any other such non-conductive moulding compound. My object is using a non-conductive moulding compound in making the box and unit is to have, as

already stated, a non-conductive box and unit, and thus eliminate the use of the old metal box which not only corrodes from moisture and corrosive fumes, but which, in many cases, may act as a conductor and thus may cause short circuits and may cause fires. Furthermore, I provide a box which may be ventilated or sealed as the occasion may require.

Another object of my device is to cut costs by eliminating the separate unit and constructing the box and unit, as one, as already stated. While my box may be used solely as a junction box, it is also available for use as an outlet box in which a bulb may be installed without any further attachment or it may be made up to act as a junction box and contain at the same time one or more receptacles. It may, however, be used completely as an outlet box, if desired.

The only part of my device which might be advisable to make of iron and steel are the clamping members 19 and skirt 20 also the clamping screws 20 and mounting screw 25 which in no way affects the objects of this my invention. However, other materials and means may be used to effect said purpose within the scope of the claims. Instead of using metal for clamping members 19, and for skirt for
86 clamping members 21, any rigid material may be
used. Instead of using clamping screws 20, and mounting screws 25, other methods of fastening may be used within the scope of the claims. Instead of using a concave section as shown at 17, a convex, or other form may be used within the scope of the claims.

My device may have other uses other than those shown in Figures 3, 5 and 7, which show its application as a junction box, lamp socket or as a receptacle.

While I have illustrated my invention in one form only and as made of specific materials, I do not intend to limit myself to that particular design, method or materials, as it is apparent that other designs, methods, and materials may be employed for obtaining the same results within the scope of my claims without departing from the scope or spirit of my invention.

87 *Claims*

1. In article of manufacture as described, made from a moulding compound, having means to receive cables, means to hold said cables and means for attaching said article at any desired place.

2. In combination, an article of manufacture, and described, made from a moulding compound, having means to receive cables, means to hold said cables and means for attaching said articles at any desired place, and means for outlet.

3. In combination, as article of manufacture as described, made from a moulding compound, having means to receive cables, means to hold said cables and means for attaching said article at any desired place and means for using same as a receptacle.

4. An article of manufacture, as described, made from a non-conductive moulding compound, having means to receive cables, means to hold said cables and means for attaching said article at any desired place.

5. An article of manufacture, as described, made from a non-conductive moulding compound, having means to receive cables, means to hold said cables and means for attaching said article at any desired place and means for outlet and lamp socket.

88 6. An article of manufacture, as described, made from a non-conductive moulding compound, having means to receive cables, means to hold said cables and means for attaching said article at any desired place and means for using same as a receptacle.

7. An article of manufacture, as described, made from a non-conductive moulding compound, having means to receive cables, means upon which the cables rests, means for gripping the cable, means for clamping said cable, and means for attaching said article at any desired place.

8. An article of manufacture, as described, made from a non-conductive moulding compound, having means to receive cables, means upon which the cables rests, means for

gripping the cable, means for clamping said cables, and means for attaching said article at any desired place and means for outlet and lamp socket.

9. An article of manufacture, as described, made from a non-conductive moulding compound, having means to receive cables, means upon which the cables rests, means for gripping the cable, means for clamping said cable, means for attaching said article at any desired place and means for using same as a receptacle.

10. In an article of manufacture, as described, made from a non-conductive moulding compound, having a hole to receive a cable, having a support within said article and under said cable hole, having a clamping device which fits over the cable and fastens into said support thus holding the cable in place and having means for fastening said article at any desired place and having an outlet and socket
89 to receive an electric bulb.

11. In an article of manufacture, as described, made from a non-conductive moulding compound, having a hole to receive a cable, having a support within said article and under said cable hole, having a clamping device which fits over the cable and fastens into said support thus holding the cable in place and having means for fastening said article at any desired place and having means for using same as a receptacle.

12. In an article of manufacture as described, made from a non-conductive moulding compound, having holes to receive cables, having a concave support under said cable hole adjacent to said hole and made a part of said article, having a clamping section to hold said cables in place, said clamping section being fastened to the support section and holes in said article to enable one to fasten the article at any desired place and having an outlet and socket to receive an electric bulb.

13. In an article of manufacture as described, made from a non-conductive moulding compound and having means for using same as a receptacle.

14. In an article of manufacture as described, made from a non-conductive moulding compound and having a socket to receive an electric bulb.

15. In an article of manufacture as described, made
from a non-conductive moulding compound, having
90 posts, a connecting bridge, grooves, contact plates,
contact, fastening screws, terminal posts, and cover
plate containing slots for prongs.

16. In an article of manufacture as described, made from a non-conductive moulding compound, having posts, contact, fastening screws, contact plate, shell member and a cover with an opening therein.

17. In an article of manufacture as described, made from a non-conductive moulding compound, having holes to receive cables, having a concave support under said holes and forming an integral part of the said article, a convex section with skirt to likewise hold the cables in place, means for fastening said convex section to the concave section and also means for holding said article in place.

18. In combination, a cup shape device made of a non-conductive moulding compound, consisting of knockout sections to receive cables, having supports under said knockout sections, said supports forming an integral part of said device, having curved clamp with skirt to hold said cable on said support and in said device and means for fastening said clamping device in place and means for holding said device.

19. A cup shape device made of a non-conductive moulding compound, consisting of a portion containing a knockout section, sides containing knockout sections, said side knockout sections to receive cables, and having supports which form an integral part of the side walls and under said knockout section, also a clamping section to place over the cables and cable supports and means for fastening said clamping device in place and means for holding the cup shape device.

91 20. In combination, a cup shape device made of a
non-conductive moulding compound, consisting of a

portion containing a knockout section, sides containing knockout holes to receive cables, and having supports, which supports form integral part of the side walls just under the holes, also a clamping section to place over the cables and cable supports to hold the cables in place, and means for fastening said clamping device to the cable support and means for holding the cup shape device.

92 Endorsed: Mail Division Dec 14 1938 U. S. Patent Office.

In Testimony Whereof, I have signed my name to this specification this 8th day of December, 1938.

WILLIAM MORRILL PARKER

Oath

State of West Virginia,
County of Wood, ss:

William Morrill Parker the above named petitioner, being sworn, deposes and says that he is a citizen of the United States, residing at Parkersburg, in the County of Wood, in the State of West Virginia, and that he verily believes himself to be the original, first and sole inventor of the improvement in Insulated Outlet Receptacle and Junction Box and Units, as described and claimed in the annexed specification; that he does not know and does not believe that the same was ever known or used before his invention or discovery thereof; or patented or described in any printed publication in any country before his invention or discovery thereof, or more than two years prior to this application; or patented or caused to be patented in any country foreign to the United States by him or his legal representatives or assigns on an application filed more than twelve months prior to the filing of this application; or in public use or on sale in the United States for more than two years prior to this application; and that no application for patent on said improvement has been filed by him or his legal representative or assigns in any country foreign to the United States.

WILLIAM MORRILL PARKER

Sworn to and subscribed before me this 10 day of December, 1938.

S. DAWSON
(Seal) *Notary Public for State of West Virginia*

My Commission expires Dec. 23, 1945.

93 Endorsed: Mail Division Dec 14 1938 U. S. Patent Office.

Endorsed: U. S. Patent Office Dec 15 1938

Division 52 Room 7709 Paper No. 4.

In the Application of

William Morrill Parker

Serial No. 194,327

Filed March 7, 1938

for Insulated Outlet Receptacle and Junction Box and Units

Amendment

In response to the Examiner's letter of June 14, 1938, please amend the above entitled application as follows:

Please cancel Claims 1 to 20 inclusive.

Please re-write the cancelled claims in the following form.

21. In an electrical connecting device, the combination of a housing having a cable opening therein, a shoulder formed integral with said housing adjacent said cable opening so that a cable passing through said opening extends over said shoulder and means associated with said shoulder adapted to permit a clamping member to be secured to said shoulder to clamp a cable extending through said shoulder to hold

said cable securely in position and leave the end of the cable free to be connected as desired without strain on the connection.

22. In an electrical connecting device the combination of a housing having knockout portions adapted to form cable openings therein, shoulders formed integral with and internally of said housing adjacent said knockout portions,
clamping members adapted to engage cables extend-
94 ing through the openings formed by the removal of
the knock-out portion and to clamp said cables
against said shoulders to hold said cables securely in position.

23. In an electrical connecting device, the combination of a housing formed of a synthetic resin compound which is an insulating material, said housing having portions for the passage of cables there-through, shoulders formed integral with said housing adjacent to, and substantially in line with, said cable passages, cables extending through said passages and passing over said shoulders, clamping members extending over said cables to clamp said cables against said shoulders and to hold said cables securely in position, said cables having electrical conductors therein and connecting means in said housing to which the electrical conductors in said cables are secured.

24. In an electrical connecting device, the combination of a housing formed of a synthetic resin compound which is an insulating material, said housing having portions for the passage of cables there-through, shoulders formed integral with said housing adjacent to and substantially in line with, said cable passages, cables extending through said passages and passing over said shoulders, clamping members extending over said cables and clamping said cables to said shoulders to hold said cables securely in position, said cables having electrical conductors therein connecting means in said housing to which the electrical conductors in said cables are secured, and electrical conductors connected to said

connecting means adapted to permit said electrical connecting device to be used as a junction box.

95 25. In an electrical connecting device, the combination of a housing formed of a synthetic resin compound which is an insulating material, said housing having portions for the passage of cables there-through, shoulders formed integral with said housing adjacent to said cable passages, clamping members extending over said cable passages, and adapted to clamp cables passing there-through to said shoulders to hold said cables securely in position, connecting means in said housing adapted to be secured to electrical conductors, and a cover for said housing having an opening therein, a lamp socket in said opening and conductors for connecting said lamp socket to said connecting means.

26. In an electrical connecting device the combination of a housing formed of a synthetic resin compound, which is an insulating material, a cable aperature in said housing, a clamping shoulder integral with the housing adjacent said opening and offset with respect to the opening, and clamping means for clamping a cable extending through the opening against said shoulder, the clamping of the cable against said offset surface being adapted to bend the cable over the edge of the aperture to increase the security of the holding action.

96

Remarks

The Examiner's letter has been carefully considered and the claims have been re-written to improve their form and to distinguish clearly from the patents cited.

A new specification is being submitted herewith properly signed and with the Post Office address therein.

The patent to Noyes No. 2,042,620 has been cited to show cable clamps L and J. The patent to Ketteron No. 2,113,918 has been cited to show the knockouts 39. Neither of these patents show applicant's structure or the combina- of elements now claimed.

Referring to applicant's drawings in Fig. 1, it will be seen that a housing 11 is provided with cable apertures 15 therein through which cables pass. Clamping shoulders 16 are formed adjacent to and substantially in line with apertures 15 to clamp the cable in position. The location of applicant's shoulder 16 adjacent the opening 15 gives a stronger structure and one which will sustain maximum pull on said cables. The formation of the shoulders is such that they reinforce the sides of the housing and the sides of the housing reinforce the shoulders. This combination is not present in the patents cited.

Claims 21 and 22 are directed more particularly to the features discussed above.

97 Claim 23 is directed to the above features and includes in addition connecting means such as are shown at 24 and 26 in Fig. 5 and at 40 in Fig. 7.

Claim 24 includes the novel elements of Claim 23 and in addition the connecting elements, for example 39 in Figure 7 for forming a junction box.

Claim 25 likewise includes the elements of Claim 23 with the elements added to provide a lamp socket as shown in Fig. 5.

Claim 26 is directed more particularly to the shoulder 16 being offset slightly from the aperture 15 so that the cable is bent through the clamping action as shown at the right side of Fig. 2 to provide a secure clamping action.

The claims in the present application have been reduced in number and are believed to define clearly over the patent cited. Reconsideration and allowance of them are respectfully requested.

Very respectfully,

JAMES J CANNON
Atty.

Dated, Glen Rock, New Jersey.
December 10, 1938.

98 Endorsed: Mailed Mar 9 1939

Div. 65 Room 5612 wcg/c Paper No. 6

Department of Commerce
United States Patent Office
Washington

Applicant: W. M. Parker
Ser. No. 194327
Filed 3-7-38
For Insulated Outlet Receptacle and Junction Box and Units

Mr. James J. Cannon
31 Abbington Terrace
Glen Rock, N. J.

This is in response to the amendment filed December 14, 1938.

References added:

McGowan	838,886	Dec. 18, 1906	220-3.2
Bonnell	1,234,271	July 24, 1917	174-64x

Claim 21 is rejected as obviously fully met by the McGowan patent.

Claim 22 is rejected as an old combination of an outlet box having cable or conduit clamping means, and knockouts for the box openings. The invention, if any, lies in one or the other of these features which are independent inventions. See the Bonnell patent for this combination.

Claim 22 is rejected further since there would be no invention in providing the opening of the McGowan outlet box with knockouts as suggested by the Kettron patent at 39-41.

Claims 22-25 inclusive are rejected as old combinations of an outlet box having an electric fixture or connecting means mounted on or in the box as disclosed to be old by

Kettron (Page 2, lines 23-26 inclusive; also page 1, lines 48 et. seq.).

99 The invention, if any, lies in the knockouts or clamping means, especially since most outlet boxes have cables and fixtures attached thereto.

Claims 23-26 inclusive are rejected as aggregations since there is no patentable relation between (I) the specific material used in the manufacture of the box, (II) the structure of the box and its cable clamping means and (III) the connecting means. As the particular material is old in the manufacture of outlet boxes, reference thereto should be omitted in the claims. Ex parte Funck 1878 C. D. 89; 140 O. G. 158.

No claims are allowed.

F. P. McDERMOTT
W. C. S. *Examiner*

100 Endorsed: Mail Division Sep 7 1939 U. S. Patent Office

Endorsed: Patent Office Sep 8 1939 Div 65 Filed

Division 65
Room 5216
Paper No. 7.

In the Application of William Morrill Parker
Serial No. 194,327
Filed March 7, 1938
For Insulated Outlet Receptacle and Junction Box and Units.

Amendment

In response to the Examiner's letter of March 9, 1939, please amend the above entitled application as follows:—

Please cancel claims 21 to 26 inclusive.

Please re-write the cancelled claims in the following form.

27. In an article of manufacture as described comprising, in combination, an outlet box of insulating material, having sides which are circumferential shape with a unit base of the same material and containing certain portions adaptable for openings in said base and sides, beneath said side portions openings are certain raised concave ridges forming an integral part of said base and shaped to hold a cylindrical cable and containing indentures and raised portions capable of gripping said cable and containing on each side of said ridges a hole to receive a screw, a metal convex clamp containing like holes and capable of being held over said ridge and cable by screws through said holes fastening the cable in place in said container, said box also containing two cylindrical ridges the depth of said box and capable of holding screws to fasten said box to a wall, the base of said box also containing small holes for ventilation.

101 28. In an article of manufacture as described, comprising, in combination, an outlet box of bakelite material, and containing certain portions adaptable for openings in said base and sides, beneath said base and side portions openings are certain raised ridges forming an integral part of said base and shaped to hold a cable and containing indentures and raised portions capable of gripping said cable and containing on each side of said ridges a hole to receive a screw, a metal clamp containing like holes and capable of being held over said ridge and cable by screws through said holes fastening the cable in place in said container, said box also containing two ridges the depth of said box and capable of holding screws to fasten said box to a wall.

29. In an article of manufacture as described, comprising, in combination, an outlet box of insulating material, having sides which are circumferential in shape with a unit base of the same material, and containing openings in said sides and base capable of receiving a cable and having be-

neath said side openings and adjacent to said base opening and formed in the original moulding of said box a raised concave semicircular ridge, said ridge having a needle like surface, of the same material and formed in the same mould, said surface being capable of gripping cable and also containing on each end of said ridge a hole capable of receiving a screw, a metal semicircular convex clamp containing like holes and capable of being held over said ridge and cable by screws, said clamping means holding a cable passing there through in place.

102 30. In a article of manufacture as described, comprising, in combination, an outlet box of an insulating material, having sides and a bottom of the same material, and having openings in the sides and bottom capable of receiving cables and having adjacent to said openings, and formed in the moulding of said sides and bottom, a raised concave semicircular housing, said housing containing an uneven surface of the same material formed in said moulding, said surfaces being capable of gripping a cable, a semicircular convex clamp of an insulating material capable of fitting over a cable and onto said housing and means for holding said clamp on said housing.

31. In an article of manufacture as described, comprising, in combination, an outlet box of an insulating material, having sides and a base of the same material, and having an opening in the base capable of receiving a cable and having a raised concave semicircular housing adjacent said opening and a clamp capable of closing the other half thereof about said cable and means for holding same together and having posts forming a part of said box from the base thereof and extending half the depth of said sides, said posts being of the same material and forming a part of the same mould and means on top of said posts for holding the ends of a cable, said posts also having a contact plate capable of forming a contact with the shell of an electric light bulb said box having a cover with an opening

adapted to receive the shell of said electric light bulb.

103 32. In an article of manufacture as described comprising, in combination, an outlet box of an insulating material, having sides and a base of the same material, and having an opening in the base capable of receiving a cable and having a raised concave semicircular housing adjacent said opening and a clamp capable of closing the other half thereof about said cable and means for holding same together and having posts forming a part of said box from the base thereof and extending half the depth of said sides, said posts being of the same material and forming a part of the same mould and having a connecting bridge of the same material and also forming a part of said mould, means for holding a contact plate on said bridge said contact plate containing receptive grooves for receiving a plug and said box containing a cover of the same material as the sides and containing openings for reception of the prongs of the plug.

Remarks

Applicant has studied the Examiner's remarks and the new patents cited. While Kettron issued long after Bonnell claims on knock-outs in conjunction with a web integrally therein for holding cables, Bonnell also claims on knock-outs, (see claim 1 line 128, claim 2 line 16, claim 3 line 33) in conjunction with a clamping means, i.e. both are combination claims involving a different clamping means.

Likewise applicant feels that the knock-outs are old in the art. Even before Bonnell's patent was issued, which patent was issued in 1917, as applicant, and his

104 father, have been in this business and kindred business, for over fifty years. What applicant does feel is invention and what applicant feels has patentable merit is the clamping means he shows. Said clamping means being mostly an integral part of the insulated box and formed in such a way as to give better support to the cable

and not be a strain on the box. Applicant knows that the Kettron method has failed to meet with the approval of the underwriters unless and until a means is devised to anchor the cable outside the box, as well as inside, as the strain on the box, using Kettron, is more than it can stand.

That is not so with applicant's method of forming the housing. Furthermore applicant's method is more simple, expedient and easier to handle in the field, and has a very wide demand, especially on public jobs, where specifications are strict and are very rigidly enforced.

Concerning such contracts applicant receives the preference on his present device over all the others. And as patentability also seems to go on a new and improved way, and on the further theory, i.e. even though all the parts are old, which applicant feels they are not, of a more simple and expedient way is the result, it is patentable. Applicant is not claiming on any internal web as is Kettron, or on knock-out as is Kettron, for as previously stated, known-outs were claimed by Bonnell in 1917—over twenty years before Kettron (1938), but on the forming of his housing and the simplicity and expedient way of making his box.

105 Concerning the patent to McGowan, Jr., applicant feels that his device gives the added support and stability not found in the McGowan, Jr., patent and that its simplicity and expediency far exceeds that of the patent to McGowan, Jr.

Applicant feels that he has overcome the art and that his claims as now drawn are allowable and respectfully requests that they be passed for allowance.

Very respectfully,

JAMES J. CANNON,
Attorney for applicant.

Dated: Glen Rock, N. J.
September 5, 1939.

106 Endorsed: Mailed Nov 3 1939

Department of Commerce
United States Patent Office
Washington

Div. 65 Room 5612 WCG:DCJ Paper No. 8

Applicant: William Morrill Parker
Ser. No. 194,327
Filed Mar. 7, 1938
For Insulated Outlet Receptacle and Junction Box and Units.

James J. Cannon
31 Abbington Terrace
Glen Rock, N. J.

Responsive to amendment filed September 7, 1939.

"Bakelite", should be capitalized and placed in quotation marks wherever it occurs in the specification and claims. See notice of August 24, 1934; 470 O. G. 717.

Claims 27 and 28 are rejected as indefinite in, "certain portions adaptable for openings".

Claim 27 is rejected further since no, "small holes for ventilation" are disclosed. The holes 14 are stated to be "fastening holes".

Claims 27-30 inclusive are rejected as unpatentable over the Kettron patent since there would be no invention in securing the cables to the Kettron box in the manner suggested by Noyes. Note that the concave seat of Noyes is formed integrally with the box. The strap is shown at L.

There is no claim which is generic to (I) Figs. 1-4 inclusive; (II) Figs. 5 and 6; and (III) Figs. 7-8 inclusive. The fact that one element, that is the clamp, is included in all claims does not make claims 27-30 inclusive generic since none of these claims include generically the plug and socket. Note pages 89 and 90 of the Manual of Patent Office Procedure, 7th Ed., by Wolcott.

Election of species is accordingly required between (I) claim 31 and (II) claim 32.

107 Although claims 31 and 32 are drawn to separate species, they are rejected as aggregational since there is no patentable relation between the cable clamp; and the electrical device which is included in the box. The electrical device could be omitted entirely and the clamp would function in the same manner, as it does in Fig. 3.

No claims are allowed.

F. P. McDERMOTT
Examiner.

108 Endorsed: Mail Division U. S. Patent Office May 2 1940

Patent Office Div 65 Filed May 3 1940

Division 65 Room 5216 Paper No. 7

In the Application of William Morrill Parker

Serial No. 194,327
Filed March 7, 1938

For Insulated Outlet Receptacle and Junction Box and Units.

Amendment

In response to the Examiner's letter of November 3, 1939, please amend the above entitled application as follows:—

Page 3 line 2 of specification capitalize the word "BAKELITE".

NOTE: Letter to draftsman to correct drawings to read 14a instead of 14 and to add 14 where fastening holes are and no designation having been given. Same was inadvertently omitted.

Claim 27 line 5 cancel "certain portions adaptable for".

Claim 27 line 6 cancel "portions".

Claim 27 lines 7 and 8 cancel "forming an integral part of said base and sides and".

Claim 28 lines 3 and 4 cancel "certain portions adaptable for."

Claim 28 line 5 cancel "opening".

Claim 28 lines 5 and 6 cancel "forming and integral part of said base and sides and".

Cancel claims 29, 30, 31 and 32. Add the following claims:—

109 33. In an article of manufacture as described comprising, in combination, a one piece outlet box of moulded "BAKELITE" material, having cylindrical sides, with a flat base, said sides having four openings equally spaced to receive cables and having beneath said openings and on the sides thereof a raised concave portion of considerable depth and thickness with the center upward section thereof containing raised pinlike points and the ends of said portions containing a threaded hole therein to receive screws of a convexed clamping portion, which convexed clamping portion fits over said concave portion, and over the cable, said pinlike portion gripping the cable and preventing slipping of the cable in the cable box, and also preventing the jarring loose of said box due to the firm gripping of said pinlike section, said concave portion adding strength and stability to the portion of the box where the cable enters and eliminates the outside anchoring of the cable, before placing the cable in the box, which procedure would otherwise be necessary, if said firmness and stability were not present, said box also containing two enclosed portions to receive fastening screws, said portions containing a threaded section therein to receive said screws.

34. In an article of manufacture as described comprising, in combination, a unit outlet box of moulded "BAKELITE" composition, having cylindrical sides, with a flat base, said sides having multiple openings equally spaced to receive cables and having beneath said openings and on the inside thereof a raised concave housing of considerable depth and thickness with the top surface of said housing having a raised needle point effect and the ends of said surface containing threaded holes therein to receive
110 the screws of a convexed clamping portion, which convexed clamping portions fits over said concave

portion and over the cable, said needle like portion gripping the cable and preventing slipping of the cable in the cable box and also preventing the jarring loose of said box due to the firm gripping of said needle like section, said concave portion adding strength and stability to the portion of the box where the cable enters, and eliminates the outside anchoring of the cable before placing the cable in the box, which procedure would otherwise be necessary, if said firmness and stability were not present, said box also containing two enclosed portions to receive fastening screws, said portions containing a threaded section therein to receive said screws, and containing a hole in the base to receive a cable and holes in the base for ventilation, said box acts not only as an anchor for cables but also as a box for the splicing and joining of cables.

35. In an article of manufacture as described comprising, in combination, a unit outlet box of moulded "BAKELITE" composition, having cylindrical sides and a flat base, said base containing an opening capable of receiving a cable and having a raised concave semi-circular housing adjacent said opening and a clamp capable of closing the other half thereof about said cable and means for holding same together and having posts forming a part of said box from the base thereof and extending half the depth of said sides, said posts being of the same material and forming a part of the same mould and having a connecting bridge of the same material and also forming a part of said mould, means for holding a contact plate on said bridge, said contact plate containing receptive grooves for receiving a plug and said box containing a cover of the same
material as the sides and containing openings for
111 the reception of the prongs of the plugs and holes for
ventilation and means to connect same to the sides
of the box.

36. An outlet box for electric wiring comprising, in combination, a container formed of moulded "BAKELITE" material, having openings in the said container for the reception of electrical conductors and having a raised con-

cave semi-circular housing adjacent said openings and forming a part of said mould and containing pin like surfaces and means for holding a clamp capable of closing the other half of said housing when a conductor is placed therein, said container having means moulded therein for use as a receptacle container, or as a socket container, as herein described, and having means for attaching a cover to said receptacle, and also having means for attaching said container to a surface.

Remarks

With the Examiner in possession of the models left by applicant, with the correction of the drawings, with the correction of the claims, with the cancellation of some claims and the addition of new claims, applicant feels that this application is now ready for an allowance over the art cited.

Applicant feels that the Kettron box is highly impractical and does not have the rigidity, stability, and firmness of applicant's invention. That the cables must be anchored outside of the Kettron box and that the fastening means is weak and highly unsatisfactory and impracticable and may become disjointed and cause a short circuit.

112 Applicant also feels that the method used by Noyes for fastening weakens the box and also makes the box an impractical place to work in due to the tendency to congest the box. Noyes does not have any raised portion about the opening of the box to lend stability to the opening and a firm foundation upon which to rest the cable after it enters the box and upon which, with applicant's gripping means, forms a perfect bond for the cable.

Furthermore applicant's device is simple, easy to construct, inexpensive, novel, simple to use, gives ample space to work in and is finding a ready and demanding market for use. It has been given a preference in navy work and other government work and has been proclaimed as the coming box in the electric field.

Wherefore your applicant prays for an allowance of his application.

Respectfully yours,

JAMES J. CANNON
Attorney for Applicant.

Dated: Glen Rock, N. J.
April 23, 1940.

113 Endorsed: Mail Division U. S. Patent Office May 2 1940

Patent Office Div 65 Filed May 3 1940

Div. 65 Room 5612 Drafting Dept.

In the application of William Morrill Parker

Serial #194,327

Filed March 7, 1938

For Insulated Outlet Receptacle and Junction Box and Units.

Amendment

Kindly correct drawing as shown in red on attached photostats and return photostats to me.

Your charge in this matter will be honored by the undersigned.

Respectfully submitted,

JAMES J. CANNON
Attorney for Applicant.

O.G.FIG.
CLASS........SUB. CLASS

Fig. 1

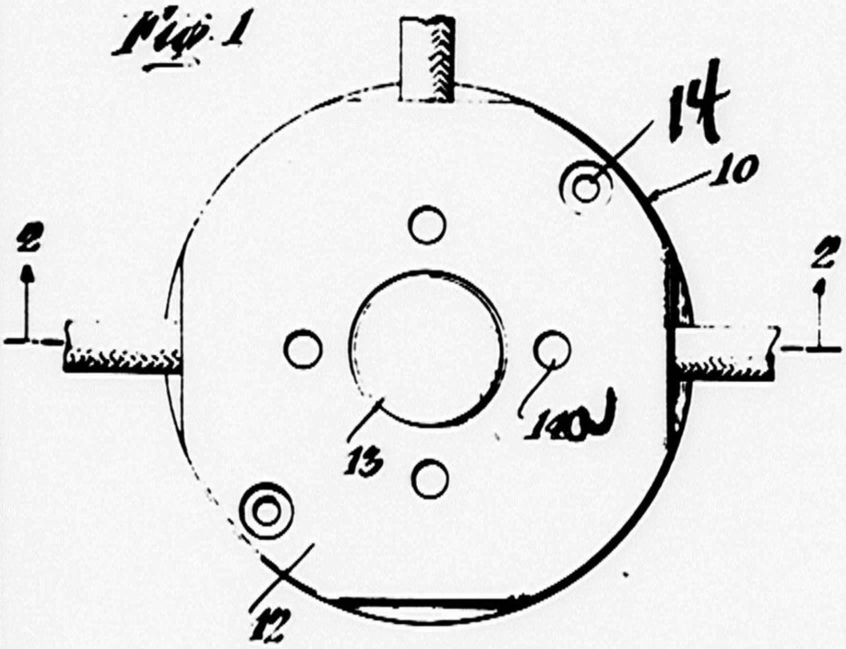


Fig. 4

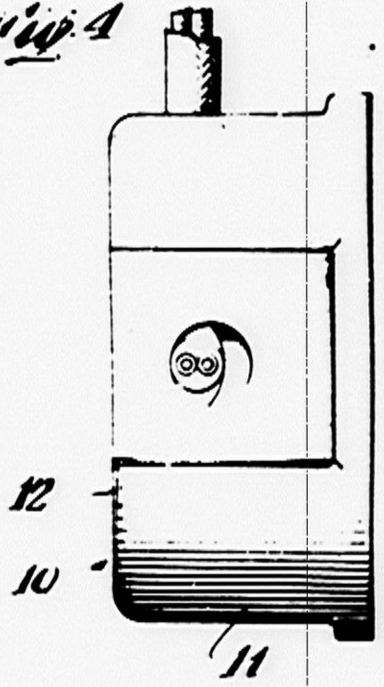


Fig. 2

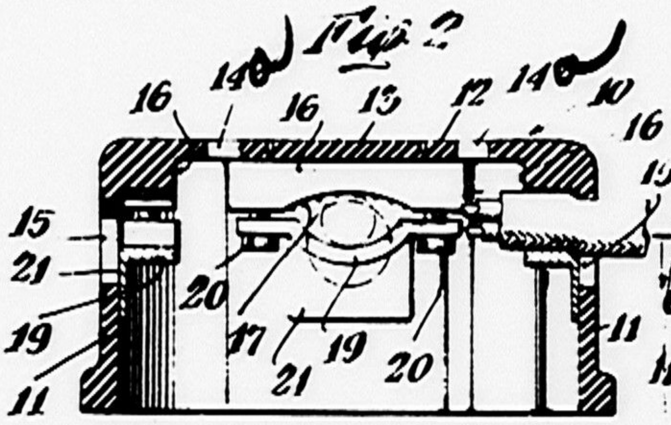


Fig. 5

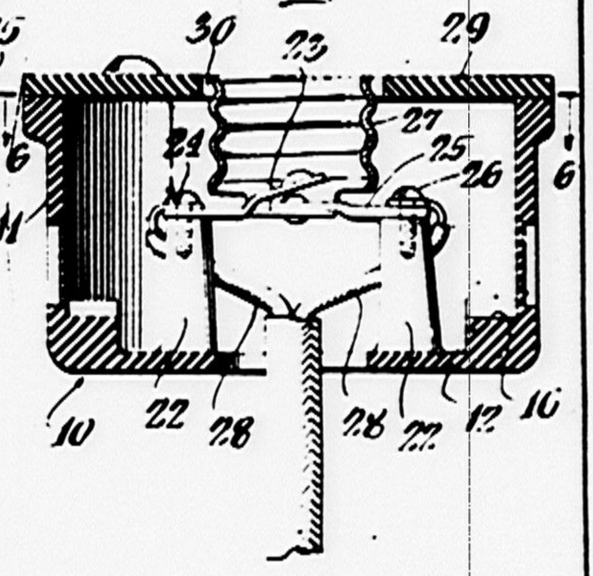
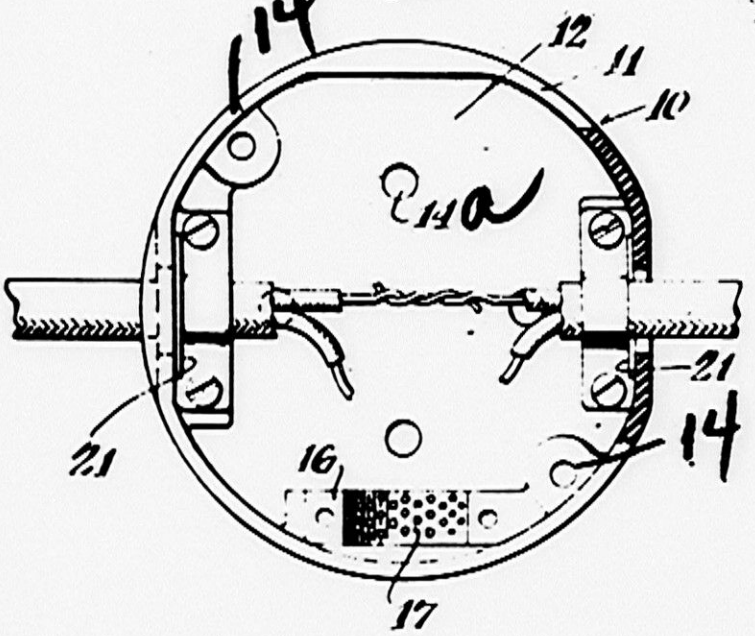


Fig. 3



INVENTOR
William Morrill Parker
BY James J. Cannon
ATTORNEY

Fig. 6

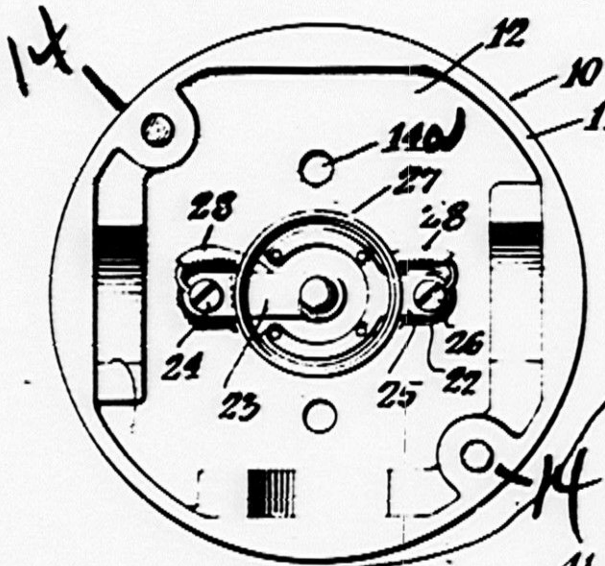


Fig. 9

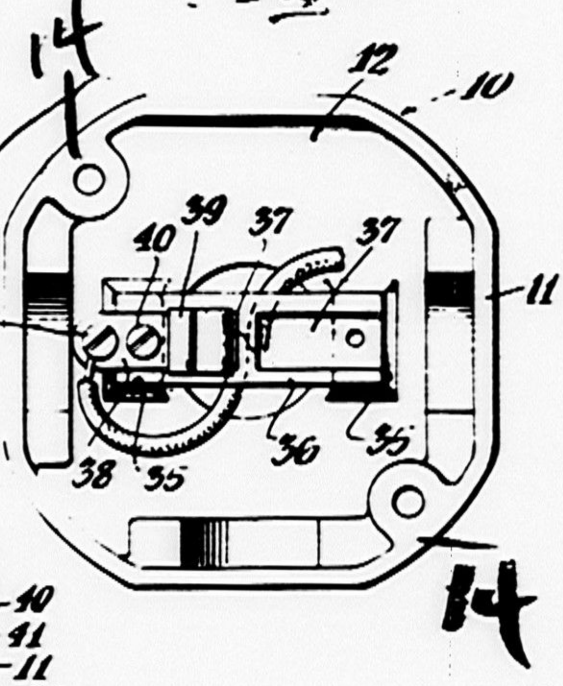


Fig. 7

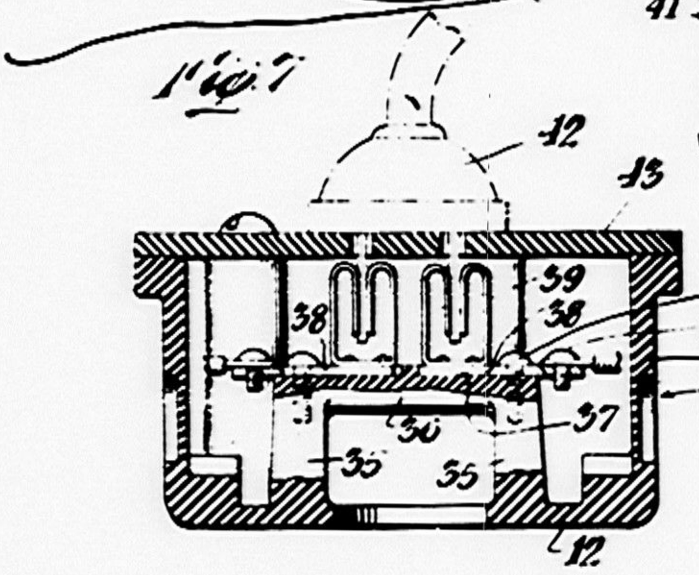
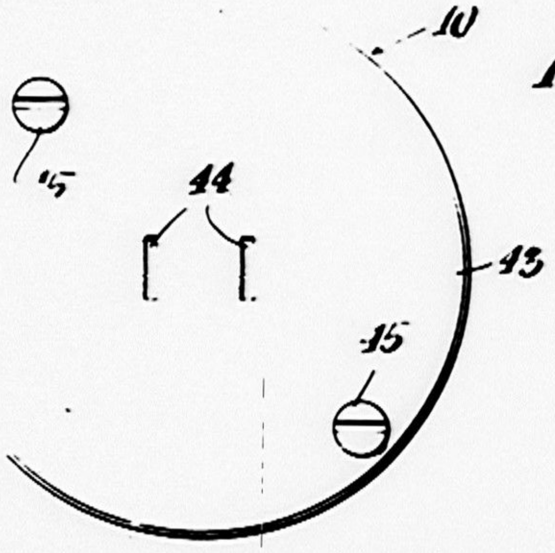


Fig. 8



INVENTOR
William Morrill Parker
BY James J. Cannon
ATTORNEY

BEST COPY AVAILABLE
from the original bound volume

116 Endorsed: Mailed Jun 19 1940

Department of Commerce

Div. 65 Room 5612 Paper No. 11

United States Patent Office
Washington

WCG:ep

Applicant: William Morrill Parker
Ser. No. 194,327
Filed March 7, 1938
For Insulated Outlet Receptacle and Junction Box and Units

James J. Cannon
31 Abbington Terrace
Glen Rock, New Jersey

The applicant's argument has been considered carefully.

The models referred to were demonstrated by the applicant during the interview but were not left in the office. The applicant stated that he wished to use them during a later interview elsewhere.

''Bakelite'' has not been capitalized in claim 28, as required in the last office action.

No definite response has been made to the requirement for election of species. By presenting claim 35 which is specific to the openings for the prongs of the plug without other specific claims, the applicant is held to have elected Figs. 7 and 8.

The proposed amendment to the drawing is disapproved since no accompanying change has been made in the description. If it is proposed to add the reference characters and then to amend the specifications later to give the openings a function not originally described or claimed, a question of new matter would arise.

Claims 27, 28, 33 and 34 are rejected on Kettron in view of Noyes for reasons stated in the last office action. The portion underneath the clamp of Noyes' is solid and hence has "rigidity and stability."

117 Claim 27 is again rejected since no small holes for ventilation are disclosed. It is also common practice to provide ventilating openings where needed such as windows in buildings, and this feature does not involve invention, even if it were disclosed.

Claims 33 and 34 are objectionable in form. In claim 33 for example, the long statement in lines 10-20 inc. which describes the article, how it functions, and how it would not function if certain features were not present, is descriptive matter which should be in the specification.

Claim 34 and 35 are repeated as inaccurate in "raised concave housing - - -", in line 6 and 5 respectively. The solid portion referred to cannot properly be called a housing.

Claim 35 is rejected since no holes for ventilation are disclosed in the cover which has the openings for the reception of the prongs of the plug. This cover is clearly shown in Fig. 8 as having only two perforations 44-44. They are for the plug prongs.

Claim 36 is rejected as inaccurate. The means for use as receptacle container or socket container is held by screws 40; and they are not moulded therein.

Claim 36 is also rejected as indefinite and alternative in, "as a receptacle container or socket container."

Claim 35 and 36 are rejected as aggregational for reasons stated in the rejection of 31 and 32 in the last office action.

This rejection is made FINAL

F. P. McDERMOTT
Examiner.

Submitted Jun 18 1940 Supervisory Examiner

118 Endorsed: Mail Division U. S. Patent Office Oct 15 1940

Patent Office Div 65 Filed Oct 17 1940

United States Patent Office

Division 65 Room 5612 Paper No. 12 WCG:ep

In the application of William Morrill Parker

Serial No. 194,327

Filed March 7, 1938

For Insulated Outlet Receptacle and Junction Box and Units.

Amendment

Honorable Commissioner of Patents,
Washington, D. C.

Dear Sir:

In response to office action of June 19, 1940, made final, kindly accept the within amendment. If no claims are allowed, let the amendment put the matter in order for an appeal. Please try to respond before the appeal date of December 19, 1940, expires; unless it changes due to your acceptance of this amendment. In either event please let the undersigned know the status before December 19, 1940. Accept my thanks in advance for any courtesy shown herein.

Claim 28 line 3 change the word bakelite from small letters to capital letters.

Election of species (II) claim 32.

Letter to draftsman to strike out Figures 5 and 6.

Specification page 1 line 22 cancel "Figure 5 is a"

Specification page 1 line 23 cancel the entire line.

Specification page 1 line 24 cancel the line up to the second semi-colon (;).

Specification page 2 line 5 cancel "5" and "6"

Specification page 2 lines 10 to 12 inclusive cancel the entire lines.

Specification page 2 line 25 cancel from "When
119 etc." to the balance of the entire line.

Specification page 2 line 26 cancel the entire line.

Specification page 2 line 27 cancel "the said box."

Specification page 4 line 7 cancel "5".

Claim 27 line 14 from second "said" cancel balance of line. Lines 15, 16 and 17 cancel the entire lines.

Claim 33, line 10 after first word "portion" insert a period (.) and cancel the balance of the line. Lines 11 to 22 cancel the entire lines.

Claim 34 line 6 change word "housing" to "section". Line 7 change word "housing" to "section". Line 10 after word "portion" insert a period (.) and cancel the balance of the line. Lines 11 to 27 inclusive cancel the entire lines.

Claim 35 line 5 change word "housing" to "portion". Line 17 cancel "and holes for ventilation."

Claim 36 line 10 cancel "or as a socket container."

Remarks

Noyes patent is not similar to applicant's as there is a channel in Noyes block to receive the cable and a cross channel to receive the clamping arrangement. All of which channelling weakens the block and to get added support Noyes must use a counter poised block which makes Noyes invention more complicated and expensive than applicant's and not as simple or expedient as applicant's.

120 Even taking Noyes in conjunction with Kettron I see absolutely no similarity with applicant's device. The knockouts referred to by Kettron are old in the art and were used at least twenty years prior to 1938 the time that the Kettron patent issued. The Kettron box with its central web 27 to connect or hold the ends of the cable is not only not practical but weakens the box so much that most building codes require the cable to be anchored outside the box when the Kettron box is used and that is not required when applicant's device is used. Kettron's box is more complicated to make. It is not as simple or as practical as applicant's.

Applicant's supports and gripping pins on said supports which supports reinforce the openings, and which pins help to grip the cable are absolutely new in the art and are definitely more advantageous than the Kettron and Noyes boxes. Applicant's box is also more simple to make and more expedient to use. There is certainly nothing in Noyes with its counter-block G and its grooves or channel J which suggests applicant's invention. Likewise there is nothing in Noyes with the knockouts which are very old and the web across the inside of the box to anchor the cables which might suggest applicant's device.

At first blush the art may seem similar but after going into the art as applicant has he feels that the Examiner will be able to see the difference as above stated.

Applicant has worked in the art for over twenty-five years and his father has worked in the art for over a period of fifty years and they know that this invention is a vast improvement over the present art and 121 no way suggested by the art cited. Applicant found in his business the need of a box as he has invented and for the past couple of years it has gained in importance and call in the electrical art and is now in constant demand. Its demand far exceeds the demand for any other box in the art.

It is respectfully requested that applicant's application be passed and that a patent issue thereon.

Respectfully requested,

JAMES J. CANNON
Attorney for Applicant

Dated: Glen Rock, New Jersey
October 10, 1940.

122 Endorsed: Mail Division U. S. Patent Office Oct 16 1940

Patent Office Div 65 Filed Oct 17 1940

United State Patent Office

Division 65 Room 5612 WCG:ep

In the Application of William Morrill Parker

Serial No. 194,327

Filed March 7, 1938

For Insulated Outlet Receptacle and Junction Box and Units.

Letter to Draftsman

Honorable Commissioner of Patents,
Washington, D. C.
Sir:

Please cancel Figures 5 and 6 in this matter.

Your charges in this matter will be honored by the undersigned.

Respectfully submitted,

JAMES J. CANNON
Attorney for Applicant

Dated: Glen Rock, New Jersey
October 14, 1940.

123 Endorsed: Mailed Oct 26 1940

Div. 65 Room 5612 WCG/VS Paper No. 14

Department of Commerce
United States Patent Office
Washington

Applicant: William Morrill Parker
Ser. No. 194,327
Filed March 7, 1938
For Insulated Outlet Receptacle and Junction Box and Units

James J. Cannon
31 Abbington Terrace
Glen Rock, New Jersey

Responsive to the amendment filed October 16, 1940.

The Chief Draftsman states that the cost of adding the reference characters and renumbering of Figures 7, 8 and 9 to 5, 6, and 7, respectively, due to the cancellation of Figures 5 and 6 will cost 50 cents, which should be forwarded if and when a claim is allowable. Suitable amendments should be made in the specification with the renumbering of the figures.

The proposed amendment does not render the claims allowable but will be entered for the purpose of appeal only if and when an appeal is filed.

The application stands under the Final Rejection of June 19, 1940, and proper response must be made on or before December 19, 1940, to save the case from abandonment.

J. P. McDERMOTT
Examiner

Submitted Oct 23 1940 Supervisory Examiner

124 Endorsed: Mail Division U. S. Patent Office Dec 18 1940

Board of Appeals U. S. Patent Office Dec 19 1940

In the United States Patent Office

Div. 65 Room 5612 Paper #15 WCG: ep

In the Application of William Morrill Parker

Serial No. 194,327

Filed: March 7, 1938

For Insulated Outlet Receptacle and Junction Box and Units.

Amendment

Honorable Commissioner of Patents,
Washington, D. C.
Sir:

In response to your office action of October 26, 1940, please amend application as follows:

Specification

Page 1 line 24 change "Figure 7" to read "Figure 5".

Page 2 line 2 change "Figure 8" to read "Figure 6"; change "Figure 7" to read "Figure 5"; change "Figure 9" to read "Figure 7".

Page 2 line 5 change "Figure 7, 8 and 9" to read "Figures 5, 6 and 7".

Page 2 line 13 change "Figures 7, 8 and 9" to read "Figures 5, 6 and 7".

Page 4 line 7 change "Figure 7" to read "Figure 5".

Remarks

In considering Amendment of October 10, 1940, it might be well to note that applicant's device is different from Noyes in that Noyes invention consists of two solid blocks G and H as complementary parts which is clearly not the same as applicant's which is only a shell and consists of only one piece. Applicant's invention therefore costs less

than Noyes and has no assembly features which cuts
125 labor costs. Applicant is therefore eliminating an insert such as Block H in Noyes. Anchor L of Noyes is old and applicant does not claim on that feature. The claims of applicant do not read on Noyes or on Kettron.

Kettron's web across the interior of the box to support the cable weakens the box and in no way suggests applicant's invention which involves no such feature as that of Kettron's. The web also adds to the assembly both as to costs of making and costs of assembly.

Applicant therefore feels that on a reconsideration here the Examiner can allow the claims herein and pass this application to issuance.

JAMES J. CANNON
Attorney for Applicant

Dated: Glen Rock, N. J.
December 16, 1940

126 Endorsed: Mail Division U. S. Patent Office Dec 18 1940

Endorsed: Patent Office Div 65 Filed Dec 21 1940

Endorsed: Board of Appeals U. S. Patent Office Dec 19 1940

Dec 18 40 111914 HCheck— 15.00

In the United States Patent Office

Div. 65 Room 5612

In the Application of William Morrill Parker

For Insulated Outlet Receptacle and Junction Box and Units

Letter

Honorable Commissioner of Patents
Washington, D. C.
Sir:

Applicant is enclosing an appeal with a certified check for the appeal fee of Fifteen ($15.00) Dollars.

It is requested that the amendments of October 10, 1940 and December 16, 1940, be entered in the above application and that the draftsman make the correction in the drawing as requested by letter to him dated October 14, 1940 and already on file herein.

Claims 27, 28, 29, 33, 34, 35 and 36 are believed to be allowable, but as to these claims an issue of patentability has been reached.

Entry of the amendments and allowance of the appeal are requested.

Very respectfully,

JAMES J. CANNON
Attorney for Applicant and Appellant

Dated: Glen Rock, N. J.
Dec. 16, 1940

127 Endorsed: Board of Appeals Dec 19 1940 U. S. Patent Office

Endorsed: Mail Division Dec 18 1940 U. S. Patent Office

Endorsed: Patent Office Dec 21 1940 Div 65 Filed

In the United States Patent Office
Before the Board of Appeals
Division 65
Room 5612
WCC:ep

Appeal

In the Application of William Morrill Parker
For Insulated Outlet Receptacle and Junction Box and Units
Serial No. 194,327
Filed March 7, 1938

Honorable Commissioner of Patents,
Washington, D. C.

Sir:

Now comes William Morrill Parker, by his attorney and appeals from the Examiner's final rejection dated June 19, 1940, of claims 27, 28, 29, 33, 34, 35 and 36. The grounds for the appeal are as follows::

(1) The Examiner erred in holding the claims unpatentable for the reasons and over the references of record.

(2) The Examiner erred in holding the claims unpatentable over the patent to either Kettron or Noyes.

(3) The Examiner erred in holding the claims unpatentable over the patents to Kettron in view of the Noyes, McGowan or Bonnell patents.

(4) The Examiner erred in holding the claims unpatentable over previous grounds of rejection of record.

128 (5) The Examiner erred in taking features of unrelated patents and assembling them in the light of applicant's disclosure.

(6) The Examiner erred in not allowing the rejected claims.

The appeal fee of Fifteen ($15.00) Dollars is enclosed herewith. .

An oral hearing is respectfully requested.

Very respectfully,

JAMES J. CANNON,
Attorney for Applicant
and Appellant.

Dated: Glen Rock, N. J.
December 16, 1940

129 Endorsed: Mailed Jan 9 1941

Division 65—Room 5612 WCG:ep Paper No. 17

Department of Commerce

United States Patent Office

Washington, D. C.

On Appeal before the Board of Appeals

In re: Application of:
William Morrill Parker
Serial No. 194,327
Filed March 7, 1938
For: Insulated Outlet Receptacle and
Junction Box and Units

Examiner's Statement

This is an appeal from the final rejection of claims 27, 28, 33, 34, 35 and 36 which are all the claims in the case. Applicant also appeals from the rejection of claim 29, but as this claim was cancelled by an amendment dated May 2, 1940, (paper No. 9) the appeal is not considered as to this claim.

The claims read as follows:

Claim 27. In an article of manufacture as described comprising, in combination, an outlet box of insulating material, having sides which are circumferential shape with a unit base of the same material and containing openings in said base and sides, beneath said side openings are certain raised concave ridges shaped to hold a cylindrical cable and containing indentures and raised portions capable of gripping said cable and containing on each side of said ridges a hole to receive a screw, a metal convex clamp containing like holes and capable of being held over said ridge and cable by screws through said holes fastening the cable in place in said container.

Claim 28. In an article of manufacture as described, comprising, in combination, an outlet box of Bakelite material, and containing openings in said base and sides, beneath said base and side portions are certain raised ridges shaped to hold a cable and containing indentures and raised portions capable of gripping said cable and containing on each side of said ridges a hole to receive a screw, a metal clamp containing like holes and capable of being held over said ridge and cable by screws through said holes fastening the cable in place in said container, said box also containing two ridges the depth of said box and capable of holding screws to fasten said box to a wall.

130 Claim 33. In an article of manufacture as described comprising, in combination, a one piece outlet box of moulded "BAKELITE" material, having cylindrical sides, with a flat base, said sides having four openings equally spaced to receive cables and having beneath said openings and on the sides thereof a raised concave portion of considerable depth and thickness with the center upward section thereof containing raised pinlike points and the ends of said portions containing a threaded hole therein to receive screws of a convex clamping portion.

Claim 34. In an article of manufacture as described comprising, in combination, a unit outlet box of moulded "BAKELITE" composition, having cylindrical sides, with a flat base, said sides having multiple openings equally spaced to receive cables and having beneath said openings and on the inside thereof a raised concave section of considerable depth and thickness with the top surface of said section having a raised needle point effect and the ends of said surface containing threaded holes therein to receive the screws of a convexed clamping portion.

Claim 35. In an article of manufacture as described comprising, in combination, a unit outlet box of moulded "BAKELITE" composition, having cylindrical sides and a flat base, said base containing an opening capable of receiving a cable and having a raised concave semi-circular portion adjacent said opening and a clamp capable of closing the other half thereof about said cable and means for holding same together and having posts forming a part of said box from the base thereof and extending half the depth of said sides, said posts being of the same material and forming a part of the same mould and having a connecting bridge of the same material and also forming a part of said mould, means for holding a contact plate on said bridge, said contact plate containing receptive grooves for receiving a plug and said box containing a cover of the same material as the sides and containing openings for the reception of the prongs of the plugs and means to connect same to the sides of the box.

Claim 36. An outlet box for electric wiring comprising, in combination, a container formed of moulded "BAKELITE" material, having openings in the said container for the reception of electrical conductors and having a raised concave semi-circular housing adjacent said openings and forming a part of said mould and containing pin like surfaces and means for holding a clamp capable of closing the
other half of said housing when a conductor is
131 placed therein, said container having means moulded
therein for use as a receptacle container, as herein
described, and having means for attaching a cover to said receptacle, and also having means for attaching said container to a surface.

The references relied upon are:

Kettron, 2,113,918; Apr. 12, 1938
Noyes, 2,042,620; June 2, 1936
McGowan, 838,886; Dec. 18, 1906

The Invention

The application is directed to an outlet box of Bakelite, porcelain, or similar material. It is provided with knockouts which may be removed to provide openings for the entrance of cables. Integral ledges with semi-circular depressions having upstanding teeth thereon are provided adjacent the cable openings on the interior of the box. A curved clamping member may be clamped against a cable seated in a depression by means of screws threaded into openings in the box located on each side of the depression.

The References

The Kettron patent shows an outlet box made of ceramic material. The applicant states in his specification, in effect, that Bakelite is regarded as an equivalent of porcelain, page 3, lines 1-3 inclusive. The Kettron patent is provided with knockouts of various shapes and sizes.

132 The Noyes patent shows an outlet box formed of Bakelite having a depression therein and a clamping piece L held against a cable by means of screws threaded in the Bakelite. Note Figure 4.

The McGowan patent shows that it is old to have the clamping seat for the cable integral and adjacent the cable opening.

The Rejection

Claims 27, 28 and 33 are regarded as unpatentable over the Kettron patent in view of Noyes since there is believed to be no invention in using the clamping means of Noyes in the Kettron box. It is customary to place the cable clamping means adjacent the cable entrance as evidenced by the McGowan patent, of record.

Claim 34 includes the projections to bite into the cable. However, the provision of roughened gripping surfaces or projections on the jaws of vises, pliers, pipe wrenches, etc. is such a common and well known mechanical expedient that the feature is not considered as adding anything patentable to the claim. Miller v. Murray, 1894 C. D. 461.

Claims 35 and 36 are also regarded as aggregational since there is no patentable relation between the cable clamping means and the fixture support means. There is no coaction between these means, and so far as
133 the cable clamps are concerned the fixture support
could be omitted entirely and the box used as a pure connector box for the cables. Ex parte Smith, 384 O. G. 725.

It is believed that the final rejection is proper and should be sustained for reasons noted above.

J. P. McDERMOTT,
Examiner.

134 Endorsed: Filed Aug 10 1943 Charles E. Stewart, Clerk.

Address only the Commissioner of Patents, Washington, D. C. 201-a Paper No. 18

Department of Commerce

United States Patent Office

Washington

January 18, 1941

Sir:

The case of William M. Parker Serial No. 194,327, Appeal No. 37,674, will be heard by the Board of Appeals on the 6th day of May, 1941.

The hearings will commence at 9.30 A. M. and as soon as the argument in one case is concluded the succeeding case will be taken up.

If any party, or his attorney, shall not appear when the case is called, his right to an oral hearing will be regarded as waived.

The time allowed for arguments is as follows:

Ex parte cases, thirty minutes;

Inter partes appeals: Interlocutory and final hearings when no testimony has been taken, thirty minutes each side; final hearing when testimony has been taken, one hour each side.

By special leave, obtained before the argument is commenced, the time may be extended.

The appellant shall have the right to open and conclude in inter partes cases, and in such cases a full and fair opening must be made.

Briefs in inter partes appeals must be filed in accordance with the provisions of Rules 144 and 163, as amended.

Respectfully,

CONWAY P. COE
Commissioner of Patents.

To
JAMES J. CANNON,
31 Abbington Terrace,
Glen Rock, N. J.

135 Endorsed: Board of Appeals May 6, 1941 U. S. Patent Office

In the United States Patent Office

Before the Board of Appeals

Div. 65 Room 5612 Paper No. 19

In re: Application of:
William Morrill Parker
Serial No. 194,327
Filed March 7, 1938
For: Insulated Outlet Receptacle and
Junction Box and Units

Brief for Appellant

In connection with the supplying of unit boxes for battleships and other government work done by the appellant and which forms a good part of appellant's business the appellant found it necessary to invent a box that would be simple and inexpensive and quick to manufacture and at the same time to be able to hold the cable without anchoring the box on the outside and without using any metal plates. It was necessary to have a positive cable lock and so construct the box that it would not be weak at the point of entrance of the cable and cause a loss of labor and material and a risk of short circuiting as a result of a lack of positive action within the unit box due to inherent weakness with the construction of the box and its clamping means.

No stress has been laid on knockout portions which are older in the art than Kettron patent, as applicant's father has been in the business for fifty years and has known of knockouts for at least thirty years, as the Examiner's inference in his statement "The Invention". Furthermore, the Examiner, in his statement fails to mention gripping means which is an important feature of the invention.

136 *Dealing More Specifically With the Claims and the Examiner's Objections Thereto*

The claims read as follows:

Claim 27. In an article of manufacture as described comprising, in combination, an outlet box of insulating material, having sides which are circumferential shape with a unit base of the same material and containing opening in said base and sides, beneath said side openings are certain raised concave ridges shaped to hold a cylindrical cable and containing indentures and raised portions capable of gripping said cable and containing on each side of said ridges a hole to receive a screw, a metal convex clamp containing like holes and capable of being held over said ridge and cable by screws through said holes fastening the cable in place in said container.

Claim 28. In an article of manufacture as described, comprising, in combination, an outlet box of Bakelite material, and containing openings in said base and sides, beneath said base and side portions are certain raised ridges shaped to hold a cable and containing indentures and raised portions capable of gripping said cable and containing on each side of said ridges a hole to receive a screw, a metal clamp containing like holes and capable of being held over said ridge and cable by screws through said holes fastening the cable in place in said container, said box also containing two ridges the depth of said box and capable of holding screws to fasten said box to a wall.

Claim 33. In an article of manufacture as described comprising, in combination, a one piece outlet box of moulded "Bakelite" material, having cylindrical sides, with a flat base, said sides having four openings equally spaced to receive cables and having beneath said openings and on the sides thereof a raised concave portion of considerable depth and thickness with the center upward section thereof containing raised pinlike points and the ends of said portions containing a threaded hole therein to receive screws of a convexed clamping portion.

Claim 34. In an article of manufacture as described comprising, in combination, a unit outlet box of moulded "Bakelite" composition, having cylindrical sides, with a flat base, said sides having multiple openings equally spaced to receive cables and having beneath said openings and on the inside thereof a raised concave section of considerable depth and thickness with the top surface of said
section having a raised needle point effect and the
137 ends of said surface containing threaded holes therein
to receive the screws of a convexed clamping portion.

Dealing with Kettron whom the Examiner cites principally in the reference and as the king pin let us first dispose of the Examiner's statement (Page 3, third and fourth lines from bottom of page) in his brief on the appeal herein: "The applicant states in his specification, in effect, that Bakelite is regarded as an equivalent of porcelain, page 3, lines 1-3 inclusive". The applicant does not say that, the applicant said: "My device may be made principally out of a non-conductive moulding compound such as, for example, bakelite, porcelain, or any such non-conductive moulding compound." My object in using a non-conductive moulding compound in making the box and unit is to have, as already stated, a non-conductive box and unit and thus eliminate the use of the old metal box etc." At no time does applicant state that Bakelite is an equivalent of porcelain. In fact applicant's father is an authority on ceramic materials and knows that it is not an equivalent. It is a fact that Kettron in all his claims does claim on a ceramic or porcelain material and has a very limited claim.

Kettron also relies upon knockouts, which were allowed in his patents, even though many years old at the time he claimed it. In none of appellant's claims does he claim on knockouts.

Kettron claims on fastening means for a cover which means are the turned over portions of the shell at a particular angle which is not similar to appellant's means of fastening.

138 Kettron claims on a web of porcelain integrally formed with the receptacle for securing the conductors. All of which it does not do. It is a brittle structure and due to stress and strain it breaks and in most cases fails to anchor the cable steadily and requires an outside anchor to the box before it can become effective. Appellant knows of many municipalities who refuse to let the Kettron box be used unless so anchored and that is set forth in the building codes of said municipalities.

There is not a single claim in Kettron which reads on appellant's device or claims and the same is true vice versus. On page 2 lines 58 and 59 of Kettron he claims mass production. Kettron's device is such that it can't be knocked out in one operation but appellant's can. Kettron's device is to complicated to make in one stroke while appellant's is so simple and expedient that it can be produced in one stroke.

In continuing on the objection to appellant's invention the Examiner joins up the Noyes patent with Kettron box. Appellant does not claim on the "L" clamp which is shown in Noyes even though applicant does use it.

Appellant's claims are combination claims. The clamp is only used in conjunction with appellant's real invention which are the gripping pin points in the convex raised portion beneath the opening to receive the cable in conjunction with that raised portion and said clamping means. That pin like structure and supporting raised section is not shown in either Noyes or Kettron.

Noyes depression weakens the box. Furthermore Noyes patent is not simple but expensive. It has a plate in conjunction with a receptacle block. Said block is also made
in two parts. Said block has no self aligning means
139 such as appellant's, with its convex raised portion
and gripping means.

Likewise the reference to McGowan is without merit. McGowan has a thimble projecting into the box with a set screw to hold the cable. There is nothing in that construction which is self aligning or which has a positive locking means as the set screw is most unsatisfactory and outmoded. It furnishes no added support to the structure.

The reference to the jaws of vises, pliers, pipe wrenches, etc., has no bearing upon this issue, even their means are not disclosed by Kettron, Noyes, or McGowan, which amounts to three patents added together plus the work tools and still not any claim in the patents or the operation of the tools reads on appellant's invention. Appellant does not have a roughened surface but has pins for locking purpose. Pliers, etc., have roughened surface for gripping means.

There has been no reference cited which shows locking means as applied by the appellant. The cable is held tight by the counter-action of a clamp. No means have been shown of locking the cable, i.e., self-locking and/or bridge with prongs and counter clamp. Here appellant punctures the cable and has a more positive locking means. Noyes only depends on friction and can slip. Appellant's must be torn to get loose. Appellant's curve portion is self aligning and can clamp any size cable with the same effect. In fact no one, neither Kettron, Noyes, McGowan or the tools have combined appellant's features.

In rejecting these four claims as lacking invention over the three references the Examiner does not allege that any one reference meets any claim but he takes features alleged to be shown by one reference and combines them with features alleged to be shown by another thus making up a composite reference, the alleged combination of which
140 he does not state is shown by any one of the three
patents or the tools. It is believed that this type of rejection is clearly in error.

Furthermore the Examiner's attempt to combine Kettron, Noyes and McGowan and the tools to meet the said claims involves a re-construction that is not lawful in view of Topliffe vs. Topliffe, 145 US 156, and in addition makes use of a combination found only in this application. In that case it held:

"That, as it was not the object and effect of the tie bars of the earlier patent to equalize the pressure on the springs that patent is not an anticipation of the latter one."

Appellant's claims are drawn to structure. The Examiner does not state that Kettron, Noyes or McGowan or the tools have the structure defined in these claims.

The attention of your Honors is drawn to the fact that all of these claims are carefully and accurately drawn in terms of specific structure lacking in Kettron, Noyes, McGowan and the tools. Any reconstruction of Kettron, Noyes, McGowan and the tools to meet these claims would be clearly unwarranted except by the disclosure of this application and contrary to the doctrine of Topliffe vs. Topliffe, 145 US 156.

The Question of Invention

As further holding that simplicity is evidence of invention under circumstances which gave birth to the Parker invention, note the following:—

"It is easy after the event to see how simple an act turned failure into success; but prior to the time of Shuman no mechanical skill had solved the problem and if we may credit the testimony of this record, those engaged in the art were diligently at work to accomplish that which only Shuman effected. He has given to the world a new, useful, and valuable product. He succeeded where others failed'' (Streator vs. Wire Glass, 97 Fed. 950 (38 C. C. A. 573).

141 ''The fact that a new combination or device may be simple and obvious to the ordinary understanding, when once produced in concrete form, is not necessarily proof that invention was not involved. This is almost commonplace in the jurisprudence of the patent law. It is also true that admitted benefits resulting from the combination or device, and widely extended adoption, are facts relevant to the novelty and usefulness of the alleged invention.

(Buchanan vs. Perkins, 135 Fed. 90) (67 C. C. A. 564)

That turning failure into success is evidenced of invention is also well settled doctrine.

''It is true that many valuable inventions seem simple when accomplished, and yet are entitled to protection. The books abound in cases showing inventions involving only small departure from former means, yet making the difference between a defective mechanism and a practical method of accomplishing results. In such cases a decision in favor of invention as distinguished from mere mechanical improvement has not infrequently resulted, in view of the fact that the device has made the difference between an impracticable machine and a useful improvement displacing others therefore occupying the field.''

Computing vs. Automatic, 204 U. S. 609)

''When it appears that the improvement, slight though it was, led from failure to success; that, though failure was appreciated and success sought for by skilled mechanics, no one before the patentee hit on this way to secure it; and that, when the improvement was made, it was generally accepted and the patent for it respected by those practising the art—courts are constrained to hold that the simple device is a patentable invention."

Doig vs. Morgan, 122 Fed. 460 (59 C. C. A. 616)

"It is often difficult to determine whether a given improvement is a mere mechanical advance, or the result of the exercise of the creative faculty amounting to a meritorious invention. The fact that the invention seems simple after it is made does not determine the question; if this were the rule, many of the most beneficial patents would be stricken down. It may be safely said that if those skilled in the mechanical arts are working in a given field, and have failed, after repeated efforts, to discover a certain new and useful improvement, that he who first makes the discovery has done more than make the obvious improvement which would suggest itself to a mechanic skilled in the art, and is entitled to protection as an inventor."

Expanded vs. Bradford, 214 U. S. 356.

142 "Moreover, it must not be overlooked that the improvement was made in a long-developed art, in which there was meagre sphere for invention. Where a field is barren, a marked improvement in product evidences corresponding originality in making such improvement."

(Greenwald vs. Enochs, 183 Fed. 583)

It is also well settled that extensive use is evidence of invention under circumstances similar to those herein.

"Where an article went at once into such extensive public use as almost to supersede all others; that fact was pregnant evidence of novelty, value, and usefulness."

(Magowan vs. N. Y., 141 U. S. 332.)

"Yet these are the facts that various crude and unsatisfactory expedients had been used by many persons for the purpose of accomplishing what Davis accomplished by his simple expedient, that this occurred to none of them, and that after it had been suggested by him it came into general use. The basis of the claim seems feeble, and, if it had nothing in its behalf except what we can find as a matter of first impression, we might reject it. Yet the presumptions arising in its favor from the findings of the patent office and the circuit court, in connection with those coming from the facts we have stated, prevent us from reversing the decree below.

(Davis vs. Parkman, 71 Fed. 961) (L8 C. C. A. 398)

The fact that an invention has been overlooked for a long period by those skilled in the art demonstrates that what is now called obvious after the event was in fact not obvious at all. (Diamond Rubber Co. vs. Consolidated Co.) (Supra)

"The fact that the invention is simple and that at the present time it seems as if it might have been obvious to the workers in this art, does not militate against its validity. Many of the most useful inventions depend equally upon simple changes."

(General Electric vs. Hill-Wright, 174 Fed. 996) (98 C. C. A. 566)

143 To the same effect is the famous Barbed Wire case, 143 U. S. 275, where the Court said:

"Under such circumstances, Courts have not been reluctant to sustain a patent to the man who has taken the final step which has turned a failure into a success. In the law of patents it is the last step that wins. It may be strange that, considering the important results obtained by Kelly in his prior art patent, it did not occur to him to substitute a coil wire in the place of the diamond shaped prong, but it did not; and to the man to whom it did ought not to be denied the quality of inventor. There are many instances in the report of decisions of this Court where a monopoly has been sustained in favor of the last of a series of inventors all of whom were groping to obtain a certain result which only the last one of the number seemed able to grasp."

A like argument may be applied to the remaining claims 35 and 36 which are not quoted here in the interest of brevity.

Conclusion

For the reasons stated above, your Honors are asked to reverse the Examiner on all points and allow all the claims.

The Examiner has not asserted that any claim is met by any reference. All of his rejections are argumentative. Whatever doubt may exist should unquestionably be resolved in appellant's favor.

Respectfully submitted,

JAMES J. CANNON
Attorney for Appellant.

144 Endorsed: U. S. Patent Office Board of Appeals May 19 1941 Mailed

Decision of Board of Appeals.

Appeal No. 37,674 MM
Hearing:
May 6, 1941

In the United States Patent Office

Before the Board of Appeals

Ex parte William Morrill Parker

Application for patent filed March 7, 1938, Serial No. 194,327. Insulated Outlet Receptable and Junction Box and Units.

Mr. James J. Cannon for applicant.

This is an appeal from the decision of the examiner finally rejecting claims 27, 28, 33, 34, 35 and 36.

The following claim is illustrative:

27. In an article of manufacture as described comprising, in combination, an outlet box of insulating material, having sides which are circumferential shape with a unit base of the same material and containing openings in said base and sides, beneath said side openings are certain raised concave ridges shaped to hold a cylindrical cable and containing indentures and raised portions capable of gripping said cable and containing on each side of said ridges a hole to receive a screw, a metal convex clamp containing like holes and capable of being held over said ridge and cable by screws through said holes fastening the cable in place in said container.

The references relied upon are:

McGowan	838,886	December 18, 1906
Noyes	2,042,620	June 2, 1936
Kettron	2,113,918	April 12, 1938

145 The invention is an insulated junction box. It comprises a box provided with openings in its base and sides. Beneath the side openings and within the box there are provided concave ridges shaped to receive cylindrical cables which are passed inwardly through the side openings. A metal convex clamp is arranged to overlie each cable and screws are provided at each end of the clamp to fasten it in place. These ridges and clamps thus

serve to securely hold the cables from being withdrawn from the box. The box may be made of Bakelite. a

Kettron shows a junction box made of ceramic insulting material. The box is provided with side openings ^ for cables to be passed through, and also with a central porcelain cross bar to which the cables are anchored.

Noyes shows an electrical terminal structure made of Bakelite. The cables are secured in concave recesses in one part of the structure and are held therein by means of convex metal clamping bars. This patent therefore clearly suggests the use of cooperating concaved parts for securely holding the cables in place.

The McGowan patent discloses a junction box in which the cables are clamped in place in elongated inwardly extending thimbles by means of screws. These thimbles and screws will be quite effective in securing the cables in place. It is obvious that a portion of each thimble could be cut away at one side and a metal clamping strap could be used for clamping the cable in place instead of using a clamping screw.

146 It seems to us that the claims cover such an elementary construction that they are not patentable over this prior art. We are unable to see that any invention is involved in providing raised concave ridges and convex metal clamps at the inside of the side walls in Kettron in view of Noyes and McGowan instead of employing a cross bar for this purpose. Noyes clearly shows the use of a concave seat and a convex clamp for holding a cable securely in place. Any one skilled in the art would be taught that such a construction could be used in any junction box and serve the same purpose. McGowan teaches arranging such a construction at the side opening through which the cable enters the box.

Claim 35 includes posts on the base. This is merely an obvious addition as posts are quite often provided on junction boxes.

Applicant stresses the simplicity of the device in arguing that the claims are patentable. This is an argument of some weight but even this does not preclude the necessity that invention must be involved in making the device. We think that the prior art is adequate for any one skilled in this art to produce the claimed device from its teaching so that no invention is involved in making the claimed device.

The decision of the examiner is affirmed.

BOARD OF APPEALS

EUGENE LANDERS
Examiner-in-Chief

F. P. EDINBURG
Examiner-in-Chief

J W CLIFT
Examiner-in-Chief

Mr. James J. Cannon,
31 Abbington Terrace,
Glen Rock, N. J.

May 19, 1941

147

Department of Commerce
United States Patent Office
Washington

Ex parte William Morrill Parker,
Serial No. 194,327,
Filed March 7, 1938,
Insulated Outlet Receptacle and
Junction Box and Units.

Notice of Civil Action Under Section 4915 R. S.

A civil action under Section 4915 R. S., entitled William Morrill Parker v. Conway P. Coe, Commissioner of Patents, Civil Action No. 13,680, involving this application, was filed on November 18, 1941, in the District Court of the United States for the District of Columbia.

W. W. COCHRAN
Solicitor.

November 18, 1941.

* * * * * * * * * *

1938

CONTENTS

1. Application ✓ papers.
2. Prints March 11-1938
3. Rejection JUN 14 1938
4. Sub Spec "A" (~~not ent~~) DEC 14 1938
5. Am'dt B (~~not ent~~) " spec.
6. Rej. MAR 9 1939
7. Amdt. "C" Sept. 7, 1939.
8. (Elec.) NOV 3 - 1939
9. Amdt. "D" May 2, 1940
10. Amdt. to Drwg. + Pet " " " ⇐
11. FINAL REJECTION JUN 19 1940
12. Amdt. 'E' October 16, 1940
13. Amdt. to Drwg. October 16 1940
14. Letter status, OCT 26 1940
15. Amdt. F + Letter Dec. 18, 1940
16. Appeal to Board 37674
17. Examiner's Statement JAN 9 - 1941
18. Hearing May 6, 1941-B
19. BRIEF MAY 6 1941
⑳ DECISION BY BOARD MAY 19 1941 Aff.,
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DEFENDANT'S EXHIBIT NO. 1.

149 Endorsed: Filed Jul 24 1943 Charles E. Stewart, Clerk

Parker v. Coe—Civil Action No. 13,680

A—McGowan, 838,886
B—Noyes, 2,042,620
C—Kettron, 2,113,918
D—Print of Drawings,
E—Examiner's Statement,
F—Decision of the Board of Appeals.

No. 838,886. PATENTED DEC. 18, 1906.

M. J. McGOWAN, Jr.

OUTLET BOX.

APPLICATION FILED DEC. 14, 1905.

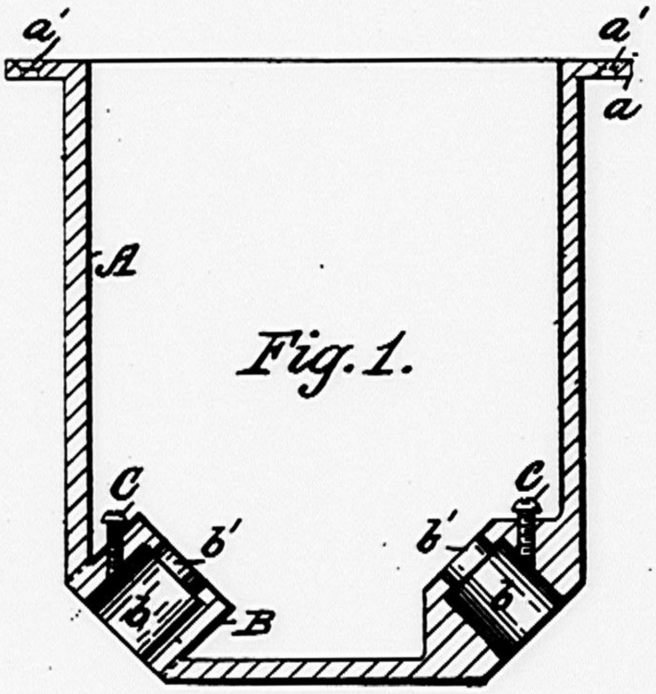


Fig. 1.

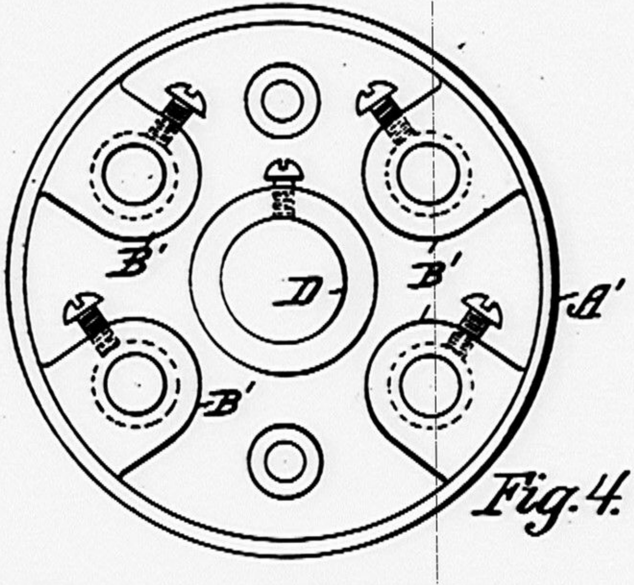


Fig. 4.

Fig. 5.

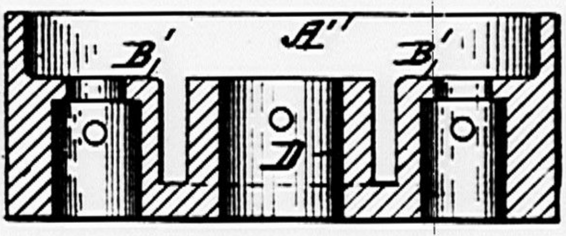
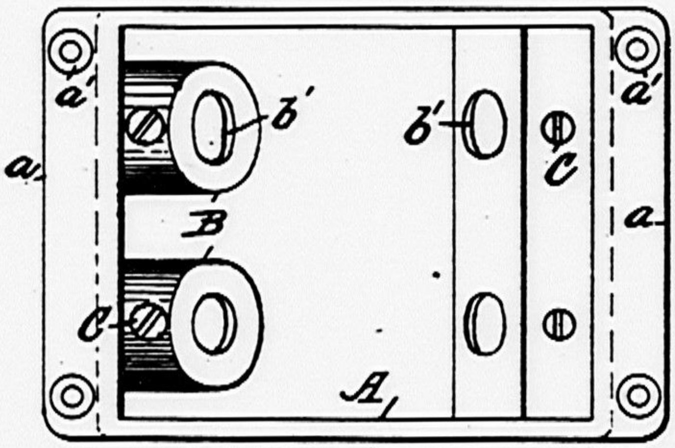


Fig. 2.



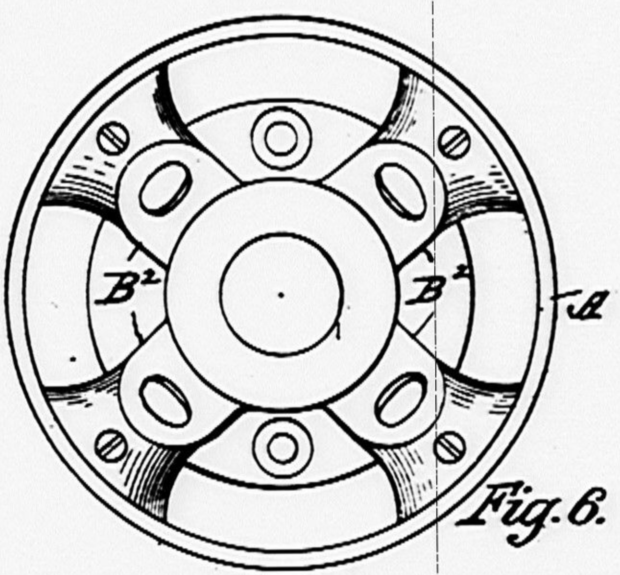
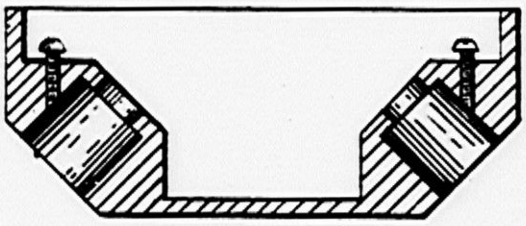


Fig. 6.

Fig. 3.



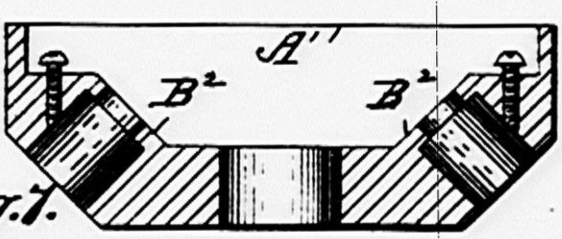


Fig. 7.

Witnesses:
W. ... Budd.
C. A. Alliston.

Inventor.
Michael J. McGowan, Jr.,
By Fischer & Sanders, Attys.

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UNITED STATES PATENT OFFICE.

MICHAEL J. McGOWAN, JR., OF NEWARK, NEW JERSEY.

OUTLET-BOX.

No. 838,886. **Specification of Letters Patent.** Patented Dec. 18, 1906.

Application filed December 14, 1905. Serial No. 291,663.

To all whom it may concern:

Be it known that I, Michael J. McGowan, Jr., a citizen of the United States, residing in the city of Newark, State of New Jersey, have invented a new and useful Improvement in Outlet-Boxes, of which the following is a description.

Hitherto in boxes of the several types illustrated in the annexed drawings it has been the custom to form the box and thimbles as separate pieces and after drawing the circuit-wires through the aperture formed in the box to secure the thimbles to the ends of said wires, after which the wires are drawn back through the said apertures until the thimbles engage the interior of the box, and then the thimbles are secured to the box by some fastening means. By my construction I avoid this unnecessary labor both in manufacture and in setting up by making the box and thimbles integral either by casting or by striking up from sheet metal by means of dies.

Another feature of my invention resides in constructing the boxes with the thimbles projecting diagonally into the box. This is to avoid the making of too deep a cavity into the wall or ceiling to receive the box. It frequently happens in electrical wiring that these boxes are required to be set into the walls where the plastering is backed up by a brick wall, and the depth of the box is such that the insertion of the wires into apertures in the bottom of the boxes is impracticable without cutting a deep cavity in the wall to make room for the passing in of the wires.

In the accompanying drawings, forming a part of this specification, Figure 1 is a sectional view of my improvement as applied to an oblong switch-box. Fig. 2 is a plan view of the same. Fig. 3 is a sectional view of a square wall-box. Fig. 4 is a plan view, and Fig. 5 is a sectional view, of a circular ceiling-box. Figs. 6 and 7 are plan and sectional views of a circular ceiling-box provided with diagonal thimbles.

In Figs. 1 and 2 I illustrate a switch or receptacle box in which A is the box-body, provided on its open side with the laterally-projecting flanges *a*, having the screw or bolt holes *a'*. Projecting into the cavity of the box are the integral thimbles B, having the cylindrical cavities *b* and contracted apertures *b'*. The set-screws C are provided for securing the ends of the circuit-wires in position in the cavities *b* with their stripped portion projecting through the apertures *b'*.

In Figs. 4 and 5 I show a ceiling-box A', of circular form, with the thimbles B' projecting into the cavity of the box parallel with the axis thereof, as shown. D is a central aperture in the bottom of the box for the passage of a gas-pipe where the box is used in connection with a gas-lighting system.

In Figs. 6 and 7 I show the thimbles B^2 as extending diagonally into the box for the purpose hereinbefore described.

It will thus be seen that by beveling the lower corners of the box, as illustrated in Figs. 1, 2, and 3, and the lower periphery of the circular box, as illustrated in Figs. 6 and 7, I am enabled to insert the circuit-wires without excessive excavation to the rear of the box, while the making of the thimbles integral with the box avoids much labor in wiring up and produces a box of neat and efficient construction.

What I claim is—

1. An outlet-box for electric wiring having thimbles integral therewith, said thimbles projecting into the cavity of the box.

2. An outlet-box for electric wiring having thimbles integral therewith, said thimbles projecting diagonally into the cavity of the box.

3. An outlet-box for electric wiring having the lower edge thereof beveled and an integral thimble projecting diagonally into the box from said beveled edge.

4. An outlet-box for electric wiring provided with integral thimbles, a contracted aperture in the bottom of each of said thimbles for the introduction of circuit-wires, and means for securing said wires in position.

This specification signed and witnessed this 8th day of December, 1905.

MICHAEL J. McGOWAN, Jr.

Witnesses:
Fredk. C. Fischer,
C. A. Alliston.

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June 2, 1936. J. D. NOYES 2,042,620

ELECTRIC CIRCUIT TERMINAL STRUCTURE

Filed Sept. 13, 1932

Fig. 1

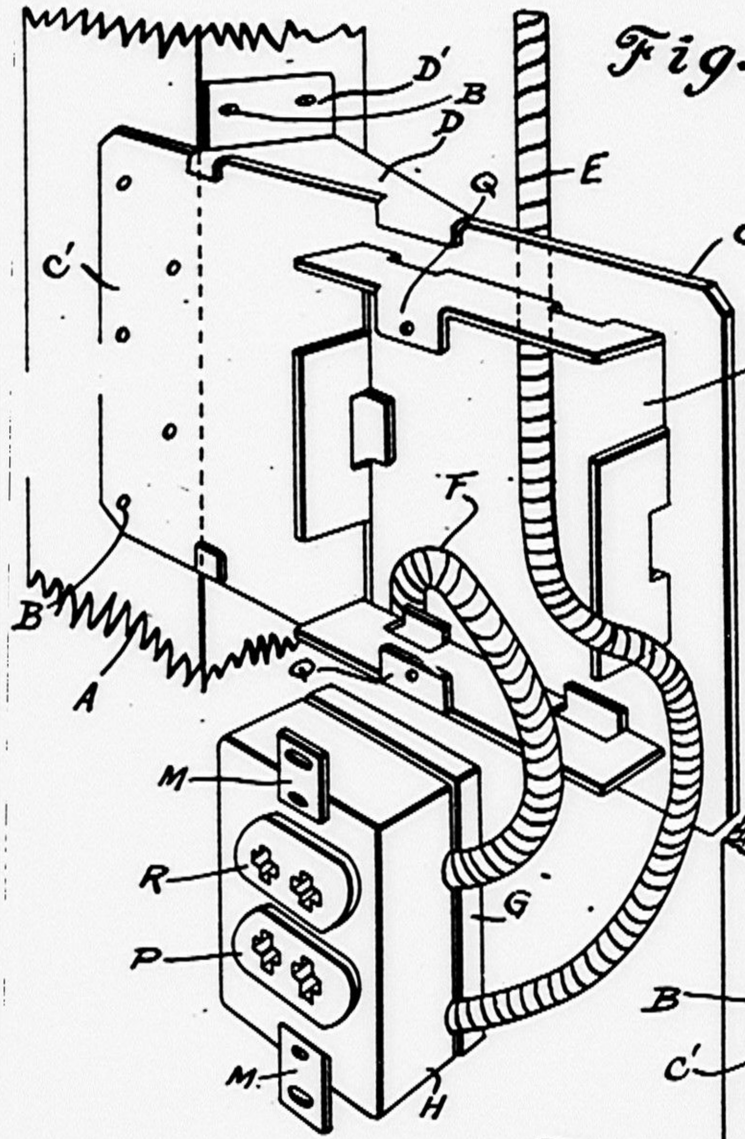


Fig. 3

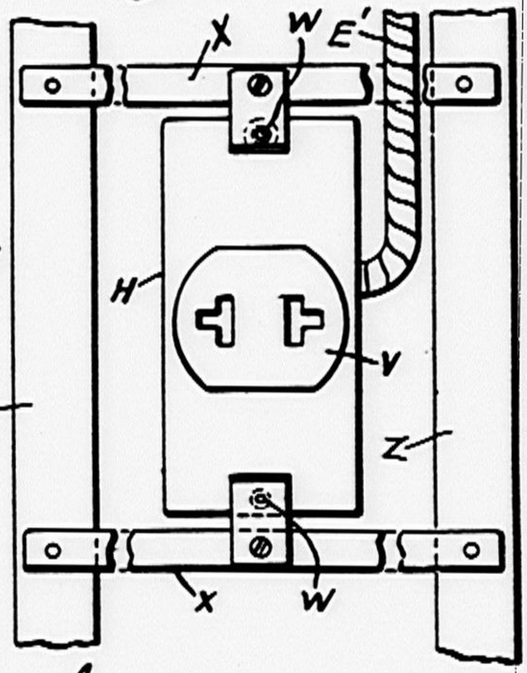
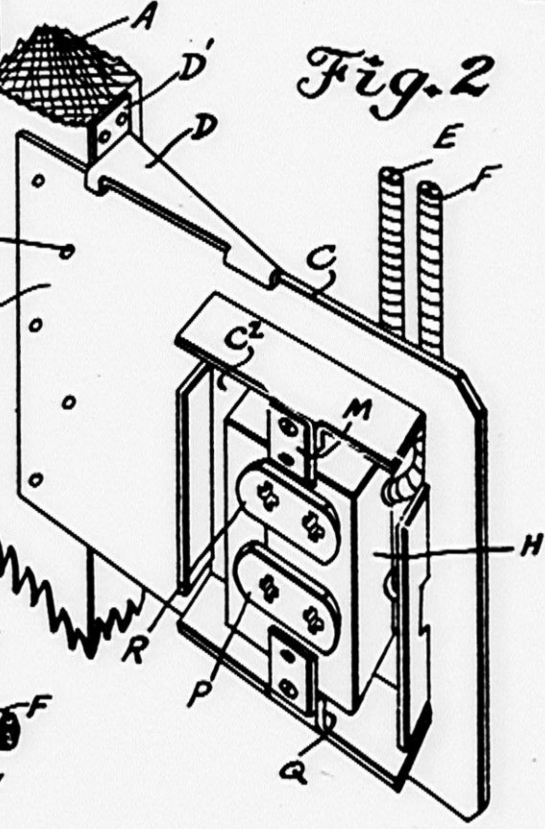


Fig. 2



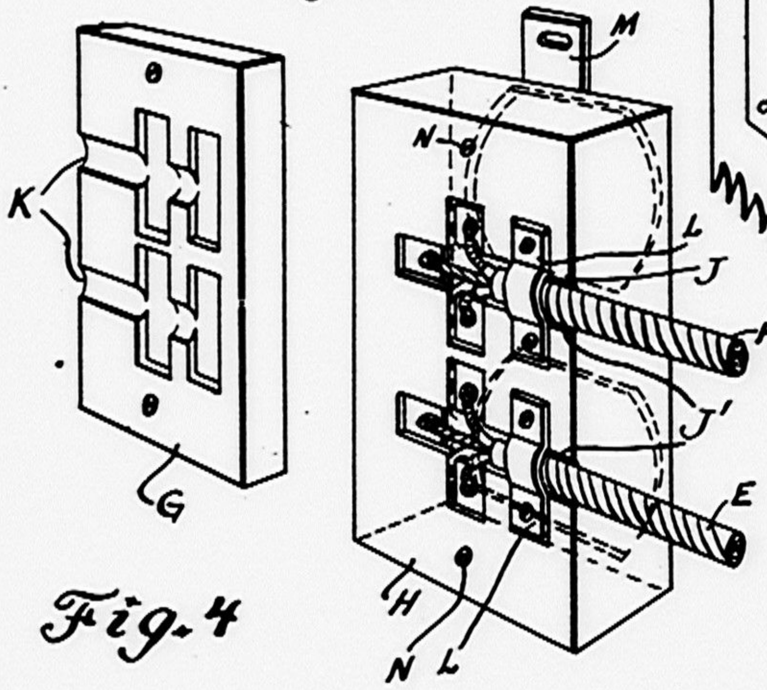


Fig. 4

John D. Noyes
INVENTOR

BY Swan Frye & Hardesty
ATTORNEYS

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Patented June 2, 1936 **2,042,620**

UNITED STATES PATENT OFFICE

2,042,620

ELECTRIC CIRCUIT TERMINAL STRUCTURE

John D. Noyes, Detroit, Mich., assignor to The Detroit Edison Company, Detroit, Mich., a corporation of New York

Application September 13, 1932, Serial No. 632,981

2 Claims. (Cl. 247—15)

This invention relates to improved means for compactly and conveniently effecting the necessary connection between electrical circuit terminals, such as the various selected points in a house or other building, for the emergence of the ordinary wiring, and of the service terminals chosen for installation at the points in question, and has for its object an improved organization of parts, by means of which the now generally used though cumbersome and needlessly large boxes may be dispensed with in favor of a much less expensive, more compact and more readily installable terminal connection, which may be made at practically whatever stage of the building's construction, early or late, may be selected.

As already stated, present practice very frequently involves the use of a needlessly large metal journal box which must be installed in the building while such roughing-in steps as the lathing and plastering are in progress, and through selected apertures in the walls whereof the ends of the wiring intended for that location are drawn and there connected to fixed terminals, to others of which ultimate service parts, such as a fixture bar, or a switch or lamp connection outlet, are connected at a later stage in the building's development. This not only involves limitations as to the size and available space for such a box, but as well leaves the connection between its included parts and the cable ends, splicings or the like, subject to injury during the completion steps of the building's construction, such, for example, as the careless striking against the effected connections of lumber pieces, unnoticed "shorting" of the connections thus established, by carelessly handled soft plaster, and the like.

In my improved construction, by contrast with this, all that it is necessary to install during the rough finishing work, are the wiring or cable terminals ultimately intended for attachment to power-delivery outlets; these may if desired be left unscraped, that is, with their insulating coverings extending to the extreme end. At selected points, and at any time during the building's construction up to the time of plastering, there may, if desired, be positioned upon the structural pieces adjacent to these circuit ends a suitable supporting means such as, for example, a skeleton or fabricated plate cable of a variety of contourings, or even a pair of cross bars which have little to do with the present invention, and which even if plaster masses have been allowed to become adhered thereto, during the roughing-in structure, can easily be scraped off when the final installation of the service parts appurtenant to the power wire terminals is undertaken. Through this plate the loose and then unconnected cable terminals are loosely drawn. The unusual efficiency of the enclosures of such terminals as must to a certain degree be exposed by my preferred form of finishing structure, together with the ease of assemblage thereof with its service terminal parts suitably exposed, and the positioning of the completed article upon the bracket or supporting plate, renders my invention decidedly superior to what has been previously looked upon as a standard and necessary in this art.

In the drawing:

Figure 1 is a perspective of the preferred form of shaped plate or bracket with my improved terminal housing shown in adjacent relation thereto, after the exposed power wire terminals have been connected to it, but before installation upon the bracket flanges.

Figure 2 is a similar perspective showing the terminal-housing-block in place with respect to the supporting plate.

Figure 3 is an elevational view of a pair of adjacently located structural uprights between which extend a pair of angle bars or equivalent elements to which the projecting ear portions of my improved terminal structure may be secured.

Figure 4 is a two-part assembly view showing the adjacent faces of the insulating blocks which when assembled form the service terminal connection desired, designed to bring out the internal grooves, the position of the wire-anchoring element, and the like.

Referring first to Figures 1 and 2, A represents a structural or building upright, to which is attached by any desired means, as by example, screws B, a selectively flanged plate or bracket piece C.

In the form shown, this comprises as well an angular web D and a supplemental attaching web D′ preferably at about right angles to the plane of the plate C, so that the parts D′ and the screw-traversed end C′ of the plate C can snugly fit about the intersecting faces of the upright A. This plate being at no time designed for any direct electrical connections, can be installed during the roughing-in stages of a building's construction with comparative unconcern as to whether it is spattered with adherent soft plaster during the later construction stages, in the same manner as the similar spattering of the outside armoring of the electric supply cables, as E and F, is a matter of unconcern. These ends are, during the early construction stages, merely drawn through the space C^2 through the flange-surrounded space in the plate C′ and left thus until the installation is desired.

G and H represent the complementary parts, preferably of bakelite or some other non-conducting material, with one of which is integrated during its formation stages, the desired service terminals, as P and R, such as a switch, fixture bar, or, blade socket units, a double one being here shown, so that the service or exposed face thereof is, in the assembled device, made to face

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outwardly into the room, while its rearward or interior terminals extend to the other face of one of the blocks as H, adjacent one of the formed grooves as J, within which is adapted to be positioned the then scraped or exposed ends of the supply circuit wires E and F of which any desired number may be provided for, depending upon the number of service terminals which are desired. The removal of the insulating covering from these latter is not carried so far back from the ends thereof as to leave any of the scraped portion of the wires outside of the block-enclosed space. In other words, the insulating covering of each wire is carried to about the joint J' within the body of the block. The companion block as G, is complementarily grooved, as at K, so that, cooperatively with the grooves J in the block H, there are formed passages in the assembled block G—H of just adequate size to surround the entering insulated wires E and F. And in one of these bakelite blocks, as for example H, there are preferably also embedded, during the fabrication thereof, anchorage elements, as L, designed, when the blocks are drawn into juxtaposition, to clampingly seize the exposed or scraped ends of the power wires, so as to prevent their withdrawal even when considerable pull is exerted lengthwise thereof. Also in one of the blocks, as H, there are integratedly located during its plastic or formation period, a pair of clips or perforated ear pieces M, which project from each end of the block H and of the block structures G—H as assembled.

With the rough structural work of the building fully completed, the selection and installation of the particular service terminal desired may then be proceeded with by merely scraping the ends of the power wires E and F, and connecting them to one or the other of the then exposed terminals of the part P, located on the interior face of the block H. Thereafter, the block G is positioned thereover and the two parts structurally correlated by some such means as the screws N passing through registering bores in the blocks G and H. This operation occurs within a very few inches of the plate C; depending upon the length of the projecting supply circuit cables E and F. As soon as the assembly of the block G—H is completed, whatever loose length of the cables E and F is available is then pushed back into the wall space through the space C^2, and the assembled block G—H installed in that space with its clips or ear pieces M registering with cooperatively over-bent flanges, as Q, which are merely a part of the web of the plate C struck up and over-bent to permit the formation of the cut-away space C^2. No further wire connections are needed, the device is strikingly compact, the installation of the exposed terminals of the supply circuit wires E and F is adequate, both as regards each other and as regards trouble-making access from without, and yet the assembled bakelite structure G—H is removable with the same facility as was its installation, and occupies but a minimum space; and similarly, if a change from the first used connector or service terminal is thereafter desired, as for example, from a fixture bar to a manually operable switch or the like, the substitution may be easily made without disturbance of the other parts.

Since my invention centers about the composite block G—H and its contained parts, it will be obvious that the particular form of the supporting bracket is a relatively minor matter. Indeed for this part there may be substituted some such construction as the angle bars X shown in Figure 3 as attached at their ends to the structural uprights Y and Z, at such distance from one another as to permit the attachment to them of the adjacent projecting ears M on the insulating block. Even this much of a special supporting structure may be dispensed with if it be desired to attach these supporting ears directly to a beam upright or other structural piece.

It is also worthy of mention that in Figure 3 but one service or outlet terminal, as V, is shown and, correspondingly, but one electric circuit terminal, as E', whereas in Figures 1, 2, and 4 double outlet terminals P and R are shown, served respectively by the circuit terminals E and F, as already mentioned.

As to either form, provision is made, as for example by the provision of screw holes as W, for the attachment if desired over the exposed surface of the composite block G—H and its contained terminals, of a finishing or wall surface plate flush with the surface of the plaster.

What I claim is:

1. Flush type electric wiring apparatus for connection to flexible armoured cable adapted for mounting in a wall and support by a bracket attached to a structural building member and having a plurality of angularly disposed flanges providing a substantially rectangular walled opening for said apparatus, the combination of an insulating receptacle block having front and rear vertical sides, electric service means mounted within said block and being available from the front side thereof, terminals recessed in the rear side of said block for electrical connection to said cable, said block being channelled from one edge to the terminal recess, a second or cover block having one face correspondingly channelled whereby a close fitting passage is provided for the cable armour when the blocks are secured together, means straddling the channel in the first block to grip the cable when the blocks are secured together, means for securing said blocks together and means on the first block for attachment to said bracket.

2. Flush type electric wiring apparatus for connection to flexible armoured cable adapted for mounting in a wall and support by a bracket attached to a structural building member and having a plurality of angularly disposed flanges providing a substantially rectangular walled opening for said apparatus, the combination of an insulating receptacle block having front and rear vertical sides, electric service means mounted within said block and being available from the front side thereof, terminals recessed in the rear side of said block for electrical connection to said cable, said block being channelled from one edge to the terminal recess, a second or cover block adapted to fit against the rear face of the first block and having its engaging face correspondingly channelled to provide a close fitting passage for the cable armour, a metal strap straddling the channel in the first block to grip the cable when the blocks are secured together, screws for fastening said blocks together and to provide the gripping force for said strap, the second block being suitably recessed for said strap whereby the blocks fit closely together to shield the said terminals and cable end.

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April 12, 1938. C. W. KETTRON 2,113,918

OUTLET BOX CONSTRUCTION

Filed Oct. 24, 1936

Fig. 1.

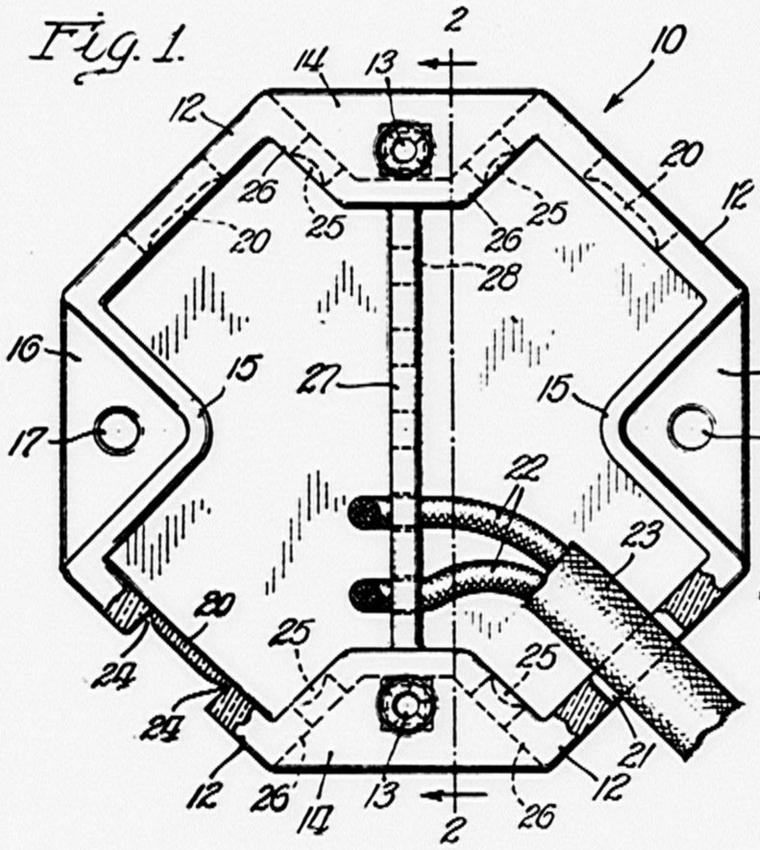


Fig. 2.

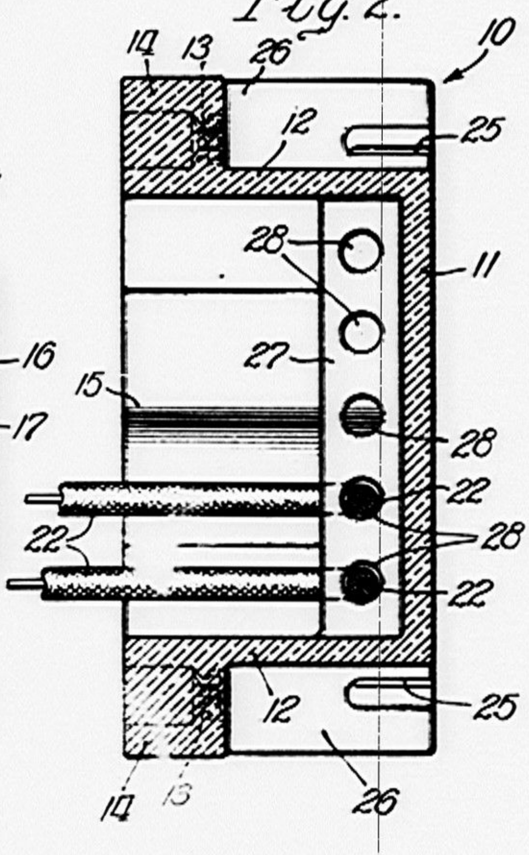


Fig. 3.

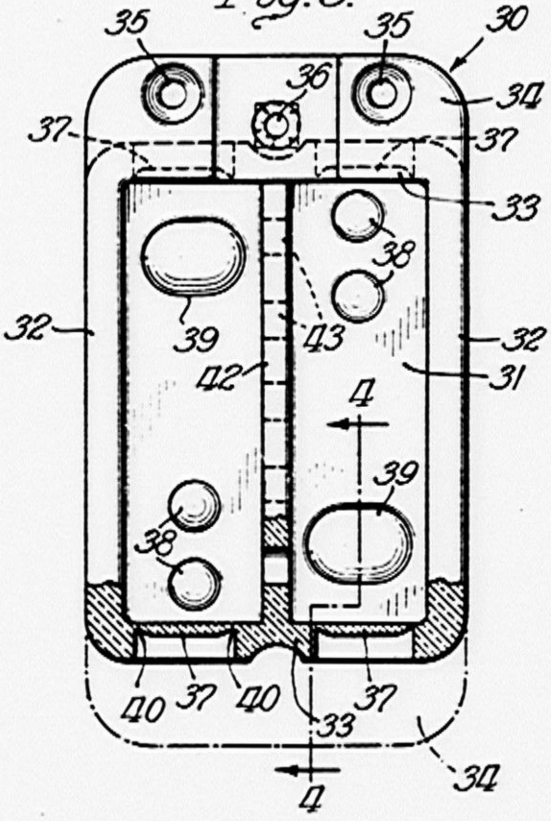
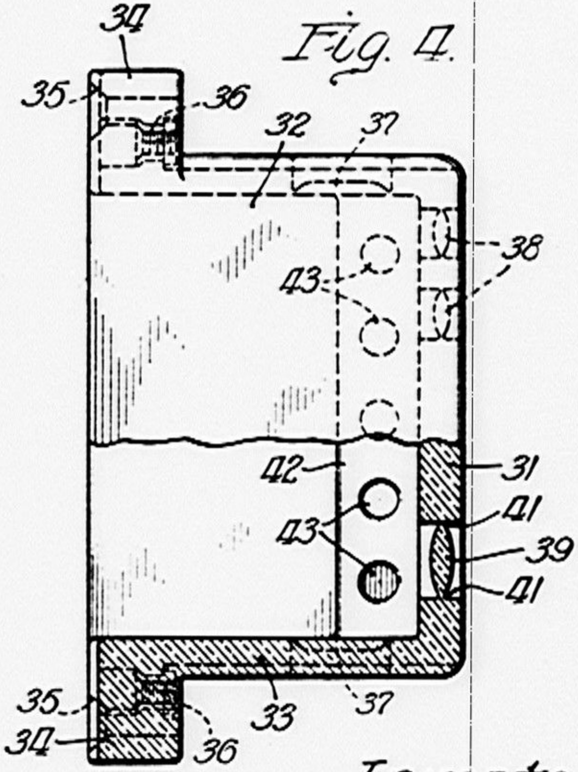


Fig. 4.



Inventor:
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Patented Apr. 12, 1938 **2,113,918**

UNITED STATES PATENT OFFICE

2,113,918

OUTLET BOX CONSTRUCTION

Charles W. Kettron, Macomb, Ill., assignor to
Illinois Electric Porcelain Company, Macomb,
Ill., a corporation of Illinois

Application October 24, 1936, Serial No. 107,387

8 Claims. (Cl. 247—15)

My invention relates, generally, to electric wiring devices, and it has particular relation to the construction of outlet boxes.

While it has been customary for many years to employ metal outlet boxes for electric wiring, and the use thereof is widespread, these boxes have certain undesirable characteristics. The chief disadvantage resides in the fact that the outlet box of this type is formed of metal and thereby constitutes a hazard because of the possibility of short-circuiting of one or more of the conductors to the outlet box. In some cases, defective wiring caused by such a hazard has resulted in the starting of a fire. Of course the short circuit without a resulting fire may disrupt the electrical system or cause the outlet box to be energized in such manner as to cause a severe shock to a person coming in contact with it.

In electric wiring systems, one of the chief aims is to provide adequate insulation for the conductors. This is provided, in part, by insulating materials and partly by the manner in which the conductors are disposed relative to each other and to ground. To run the conductors into a metal outlet box after taking all of the other precautions to insulate them is a somewhat contradictory procedure.

Accordingly, the object of my invention, generally stated, is to provide an outlet box of insulating material which may be readily and economically manufactured and installed.

An object of my invention is to provide for admitting electrical conductors at various positions determined by wiring conditions through the walls of an outlet box formed of ceramic material while maintaining the integrity of the remainder of the outlet box.

Another object of my invention is to provide a plurality of knock-out portions or members in one or more of the walls of an outlet box formed of ceramic material whereby electrical conductors may be drawn therethrough as best suits the particular wiring conditions where the outlet box is installed.

Still another object of my invention is to provide for retaining electrical conductors in an outlet box formed of ceramic material.

A further object of my invention is to provide for mounting an outlet box formed of ceramic material by screws, bolts, or the like, positioned in apertured openings in portions of the outlet box which do not extend beyond the dimensions of the box itself.

A specific object of my invention is to accomplish the foregoing objects by providing a porcelain outlet box having knock-out portions or members in one or more of its walls to permit insertion of electrical conductors according to wiring conditions and having an integrally formed apertured web for fastening the conductors therein.

Other objects of my invention will, in part, be obvious and in part appear hereinafter.

My invention, accordingly, is disclosed in the embodiments hereof shown in the accompanying drawing, and it comprises the features of construction, combination of elements, and arrangement of parts which will be exemplified in the constructions hereinafter set forth, and the scope of the application of which will be indicated in the appended claims.

For a more complete understanding of the nature and scope of my invention, reference may be had to the following detailed description taken in connection with the accompanying drawing, in which:

Figure 1 is a view, partly in top plan and partly in section, showing one embodiment of my novel outlet box;

Figure 2 is a sectional view, taken along the line 2—2 of Figure 1, and showing in further detail the features of construction of the outlet box there shown;

Figure 3 is a view, partly in top plan and partly in section, showing another embodiment of my invention; and

Figure 4 is a view taken generally along the line 4—4 of Figure 3, showing in section certain of the details of construction of the knock-out portions or members.

Referring now particularly to Figures 1 and 2 of the drawing, it will be observed that the reference character 10 designates, generally, an outlet box suitable for supporting an electric fixture or forming a junction box in an electric wiring system, as may be desired. The outlet box 10 has a bottom wall 11 and upstanding side walls 12. The outlet box 10, in the form illustrated, is generally octagonal in shape, but it will be understood that other shapes may be employed without departing from the scope of my invention.

In order to secure a cover or an electric fixture to the outlet box 10, threaded sleeves 13 are provided in suitable openings in thickened lips 14 on opposite sides. The upper ends of the threaded sleeves 13 are headed over to secure them in position. The lower ends of the threaded sleeves 13 may take the form of nuts disposed in correspondingly shaped apertures on the underside of the lips 14 to prevent turning thereof.

With a view to providing the maximum degree of insulation in the construction of the outlet box 10, I provide for forming it entirely of a ceramic material, except for the threaded sleeves 13 which are preferably formed of metal, such as brass. The entire outlet box 10 is formed as a single unit, and it is preferably formed of porcelain. This material provides a durable construction which is impervious to moisture and to the corrosive effects of acid conditions which may exist in the vicinity of its installation. Since the entire outlet box 10 is formed of porcelain, there is no likelihood of a short-circuit being completed therethrough. Thus, even though the insulation on the conductors positioned therein should become frayed or broken, either accidentally or because of deterioration, there is no possibility that faulty circuit conditions will exist which might have harmful results such as starting a fire, blowing of fuses, or causing a condition whereby a person on contacting the box might be subjected to a shock.

It is necessary to provide some means for mounting the outlet box 10 in position on a suitable supporting member. Since the outlet box 10 is formed of porcelain, it is undesirable to provide outstanding lugs or ears with suitable apertures through which fastening means might be placed. Such outstanding lugs or ears might be broken off in handling, and therefore it is desirable to provide a different construction. For this purpose I have provided reentrant angle portions 15 on opposite sides of the outlet box 10, thereby exposing portions 16 of the bottom wall 11. If desired, the exposed portions 16 of the bottom wall 11 may be somewhat thicker than the remaining portions thereof, for structural reasons. Apertures 17 extend transversely through the exposed portions 16 of the bottom wall 11 in order to permit the insertion of screws, bolts, or the like for mounting the outlet box 10 in position. It will be observed that in this construction no lugs or ears are required which project beyond the confines of the box 10 itself. A compact structure is thereby provided which is substantially unbreakable.

Furthermore, this construction avoids the necessity of positioning metal fastening devices, such as screws or bolts, within the outlet box, as would be required if openings were provided in the bottom wall 11 for mounting it in position.

In order to provide for inserting conductors through the walls 12 of the outlet box 10, suitable apertures must be provided therein. Since it is desirable to provide for manufacturing the outlet boxes 10 on a mass production basis and, further, since it is not possible to predetermine from what direction or directions the conductors will approach and leave the outlet box 10, it is necessary to provide apertures in all of the side walls 12. However, only the apertures through which the conductors are drawn should be opened, while the remaining apertures should be closed. This has presented a difficulty in the construction of outlet boxes formed of ceramic material which has not heretofore been overcome.

According to my invention, I have provided knock-out portions or members 20 in the side walls 12 which, when removed, provide an aperture such as indicated at 21 through which a pair of conductors 22, surrounded by a flexible tube of insulation 23, may be drawn. It will be noted that the section of the knock-out portion 20 adjacent the side wall 12 is reduced as at 24. This construction provides a weakened section along which cleavage takes place without materially disturbing the adjacent inner surface of the side walls 12, as will be readily understood. As many of the knock-out portions 20 are removed as desired, merely by striking them with a screwdriver or with the end of one handle of a pair of pliers, or by any other like blunt instrument. It will be evident that the remaining knock-out portions 20 which are not removed provide for maintaining the integrity of the remaining part of the outlet box 10.

Additional knock-out portions or members 25 are provided underneath the lips 14 in the reentrant sides 26 thereunder. The knock-out portions 25 are of such size that preferably only a single insulated conductor is passed therethrough.

Certain underwriters' requirements and municipal codes require that some means be provided in outlet boxes for anchoring the electric conductors therein. This anchoring means must be entirely independent of the electrical fixture which may be mounted on or supported by the outlet box. With this purpose in mind, I have provided a web or ridge 27 extending between the opposite side walls of the outlet box 10 and integrally formed therewith and with the bottom wall 11. The web 27 is formed of porcelain, the same as the outlet box 10, and, of course, is formed as an integral piece therewith. As shown in the drawing, the web 27 is provided with transverse apertures 28 through which the conductors 22 may be positioned and turned outwardly to prevent their being readily withdrawn.

In Figures 3 and 4 of the drawing I have illustrated another embodiment of my invention, which is especially adapted for mounting flush-type wall switches and wall plugs. As there shown, an outlet box 30 is provided having a bottom wall 31, side walls 32, and end walls 33. The outlet box 30 is formed preferably of porcelain in order to provide the foregoing enumerated advantages. Outwardly extending lips 34 are provided and integrally formed with the end walls 33 with transverse apertures 35 extending therethrough to provide for mounting in the wall or other suitable supporting means as by screws, bolts, or the like. Threaded sleeves 36 are provided in suitable apertures and are similar to the threaded sleeves 13, shown in Figure 1 of the drawing, to permit mounting thereon of the electric fixture which is to be used.

With a view to providing access into the interior of the outlet box 30, knock-out portions or members 37 are provided in the end walls 33, as illustrated. Additional knock-out portions 38 and 39 are provided in the bottom wall 31. The knock-out portions 37 may be circular in shape and of such size as to permit the insertion of a pair of insulated conductors, such as those shown at 22 in Figure 1 of the drawing and encased in a tube of insulation 23. The knock-out portions 38 may be circular in shape, as indicated, and of such size as to permit the passage therethrough of only a single insulated conductor. The knock-out portions 39 are somewhat oval in shape to take care of conductors encased in insulation having this shape.

It will be observed that the knock-out portion 37 is reduced in section, as at 40, and that likewise the knock-out portion 39 is reduced in section, as at 41, along the junction line with the adjoining wall. This construction provides a

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distinct line of cleavage along which separation takes place when the knock-out portion is removed on being struck a sharp blow by a blunt instrument.

The knock-out portion **39** is provided substantially midway between the surfaces of the bottom wall **31**, as is more clearly shown in Figure 4 of the drawing. Both sides of this knock-out portion are curved so that a distinct line of cleavage is provided on each side. When so arranged, very little, if any, of the adjoining wall portion is removed when the knock-out portion **39** is removed. If desired, of course, this same arrangement and construction could be provided for the knock-out portions **37**.

With a view to providing for fastening the electric conductors inside of the outlet box **30**, a web or ridge **42** is provided along the inner surface of the bottom wall **31** and between the end walls **33**. The web **42** is formed of porcelain and is, of course, formed integrally with the outlet box **30**. Suitable apertures **43** are provided in the web **42** to permit insertion of the conductors, as previously described, and for fastening them therein.

It will be obvious to those skilled in the art that my invention may take other forms than those specifically illustrated in the drawing and described herein. Therefore, it is intended that all matter contained in the foregoing description or shown in the accompanying drawing shall be interpreted as illustrative and not in a limiting sense.

I claim as my invention:

1. An outlet box for electric wiring comprising, in combination, a receptacle formed of ceramic material, fastening means carried by said receptacle for mounting thereon a cover or an electrical device, a plurality of knock-out portions in said receptacle to permit insertion of electric conductors at selected positions for interconnection or connection to said electrical device while maintaining the integrity of the remainder of the receptacle, and a web integrally formed with said receptacle for securing said conductors thereto.

2. An outlet box for electric wiring comprising, in combination, a porcelain receptacle having integral bottom and side walls, fastening means carried by said receptacle for mounting thereon a cover or an electrical device, a plurality of porcelain knock-out portions integrally formed in at least one of said walls to permit insertion of electric conductors at selected positions for interconnection or connection to said electrical device, and a porcelain web integrally formed with said bottom and side walls and having apertures extending therethrough for securing said conductors thereto.

3. An outlet box for electric wiring, comprising a receptacle formed of ceramic material, and a web integrally formed therewith for securing the wires thereto.

4. An outlet fox for electric wiring, comprising a receptacle formed of porcelain, and a wire retaining web having a plurality of apertures formed integrally with the bottom and side walls thereof.

5. An outlet box for electric wiring comprising, a receptacle of ceramic material having integrally formed bottom and side walls, and a reentrant angle portion in a side wall exposing a portion of said bottom wall, said exposed portion having a transverse aperture extending therethrough to permit insertion of fastening means.

6. An outlet box for electric wiring comprising, a receptacle of ceramic material having a bottom wall and side walls integrally formed therewith, said side walls being polygonal in shape, and reentrant angle portions formed in opposite corners of said side walls exposing portions of said bottom wall, said exposed bottom wall portions having apertures extending transversely therethrough to permit insertion of fastening means.

7. An outlet box for electric wiring comprising, in combination, a receptacle formed of ceramic material having bottom and side walls, threaded fastening means carried by said receptacle for mounting thereon a cover or an electrical device, a plurality of knock-out portions integrally formed with said walls to permit insertion of electric conductors at selected positions for interconnection or connection to said electrical device while maintaining the integrity of the remainder of said receptacle, and an apertured web integrally formed with said receptacle for receiving and securing thereto said conductors.

8. An outlet box for electric wiring comprising, in combination, a receptacle formed of ceramic material having bottom and side walls, threaded fastening means carried by said receptacle for mounting thereon a cover or an electrical device, a plurality of knock-out portions integrally formed with said side walls with their inner surfaces flush with and forming a continuation of the inner surfaces of said side walls to permit insertion of electric conductors at selected positions for interconnection or connection to said electrical device while maintaining the integrity of the remainder of said receptacle, and an apertured web integrally formed with said bottom and side walls for receiving and securing thereto said conductors.

CHARLES W. KETTRON.

Fig. 1

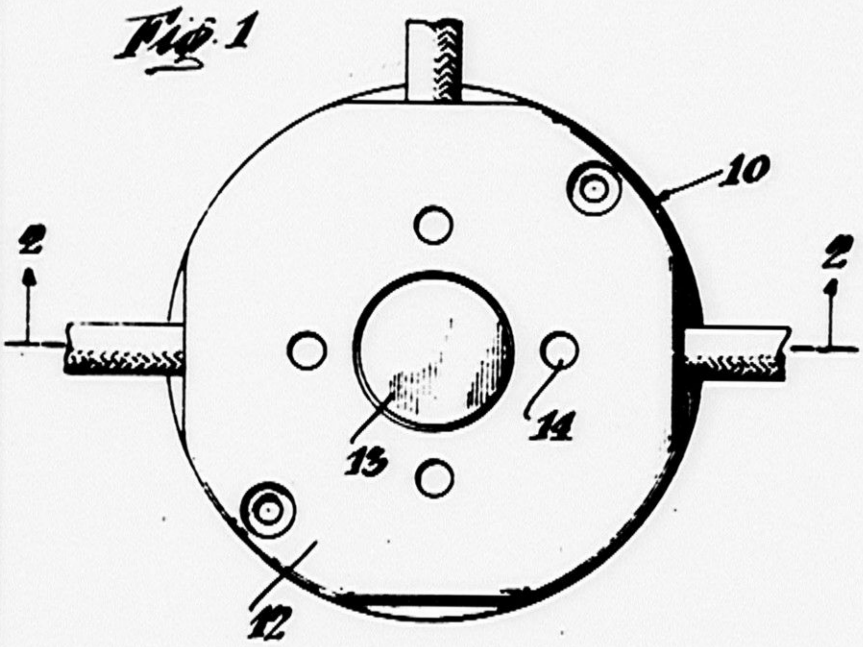

Fig. 4

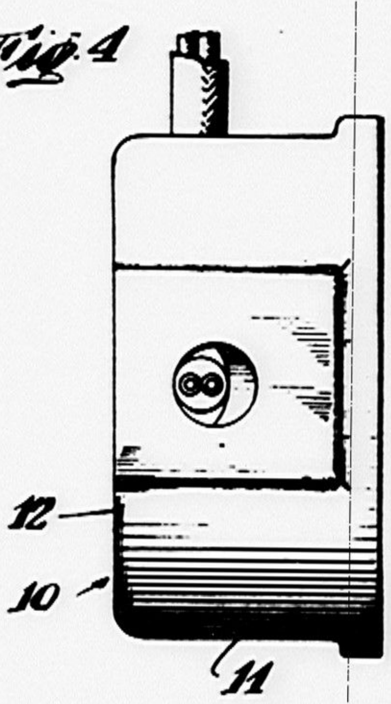

Fig. 2

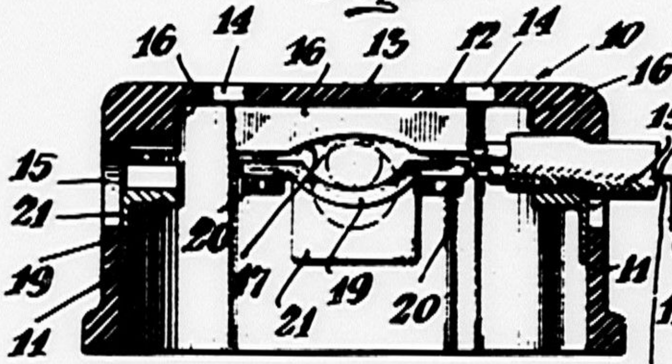

Fig. 5

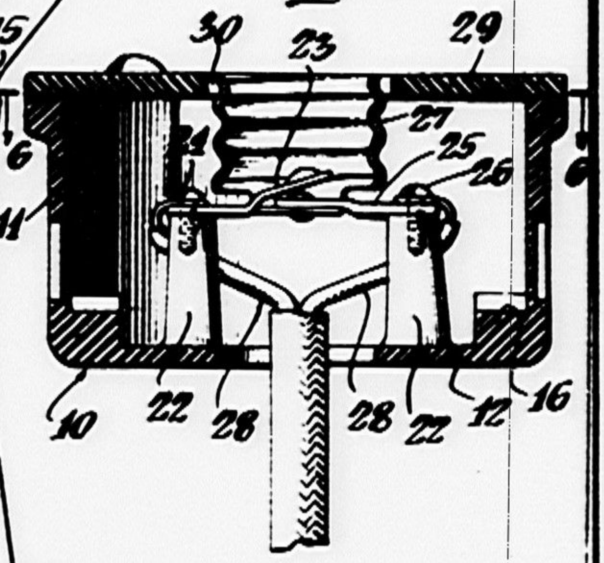

Fig. 3

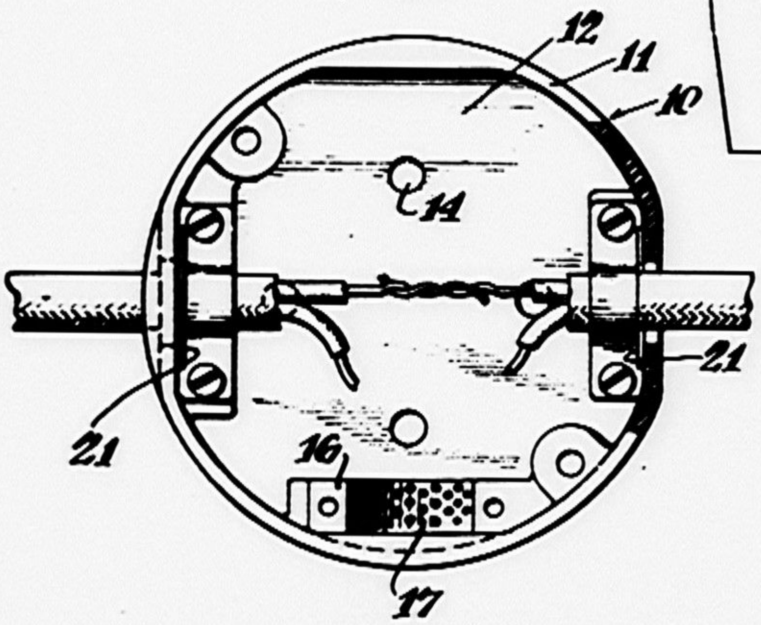

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Fig. 6

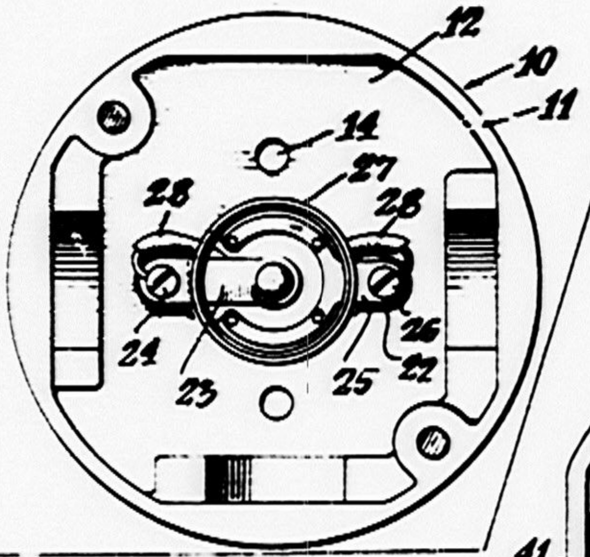
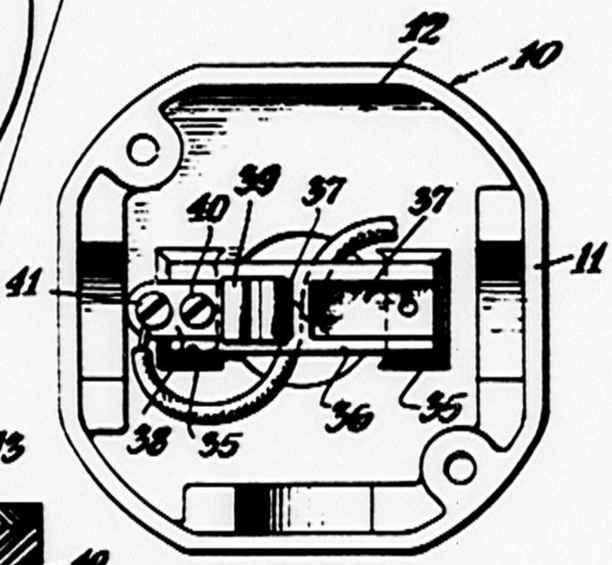


Fig. ~~9~~ 7



~~Fig. 7~~

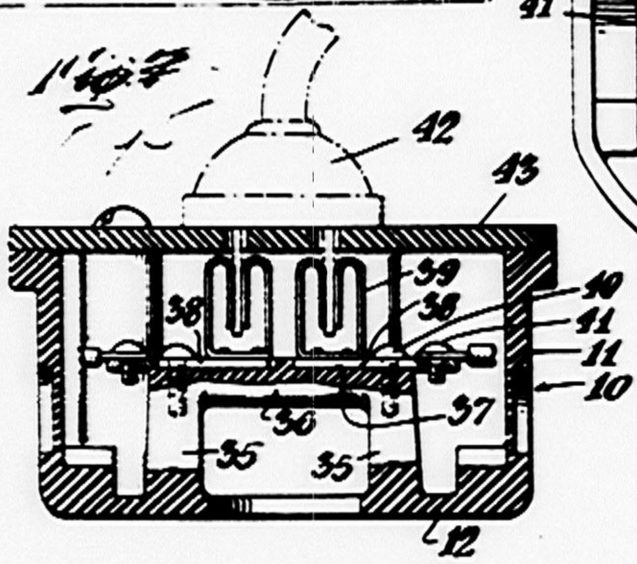
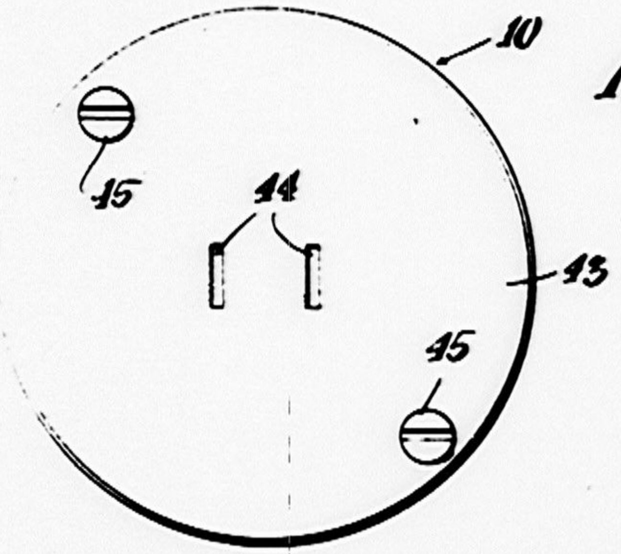


Fig. ~~8~~ 6



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161 Endorsed: Mailed Jan 9 1941

Division 65 Room 5612 WCG:ep Paper No. 17

Department of Commerce

United States Patent Office

Washington, D. C.

On Appeal before the Board of Appeals

In re: Application of:
William Morrill Parker
Serial No. 194,327
Filed March 7, 1938
For: Insulated Outlet Receptacle and Junction Box and Units

Examiner's Statement

This is an appeal from the final rejection of claims 27, 28, 33, 34, 35 and 36 which are all the claims in the case. Applicant also appeals from the rejection of claim 29, but as this claim was cancelled by an amendment dated May 2, 1940, (paper No. 9) the appeal is not considered as to this claim.

The claims read as follows:

Claim 27. In an article of manufacture as described comprising, in combination, an outlet box of insulating material, having sides which are circumferential shape with a unit base of the same material and containing openings in said base and sides, beneath said side openings are certain raised concave ridges shaped to hold a cylindrical cable and containing indentures and raised portions capable of gripping said cable and containing on each side of said ridges a hole to receive a screw, a metal convex clamp containing like holes and capable of being held over said ridge and cable by screws through said holes fastening the cable in place in said container.

Claim 28. In an article of manufacture as described, comprising, in combination, an outlet box of Bakelite material, and containing openings in said base and sides, beneath said base and side portions are certain raised ridges shaped to hold a cable and containing indentures and raised portions capable of gripping said cable and containing on each side of said ridges a hole to receive a screw, a metal clamp containing like holes and capable of being held over said ridge and cable by screws through said holes fastening the cable in place in said container, said box also containing two ridges the depth of said box and capable of holding screws to fasten said box to a wall.

162 Claim 33. In an article of manufacture as described comprising, in combination, a one piece outlet box of moulded "Bakelite" material, having cylindrical sides, with a flat base, said sides having four openings equally spaced to receive cables and having beneath said openings and on the sides thereof a raised concave portion of considerable depth and thickness with the center upward section thereof containing raised pinlike points and the ends of said portions containing a threaded hole therein to receive screws of a convexed clamping portion.

Claim 34. In an article of manufacture as described comprising, in combination, a unit outlet box of moulded "Bakelite" composition, having cylindrical sides, with a flat base, said sides having multiple openings equally spaced to receive cables and having beneath said openings and on the inside thereof a raised concave section of considerable depth and thickness with the top surface of said section having a raised needle point effect and the ends of said surface containing threaded holes therein to receive the screws of a convexed clamping portion.

Claim 35. In an article of manufacture as described comprising, in combination, a unit outlet box of moulded "Bakelite" composition, having cylindrical sides and a flat base, said base containing an opening capable of receiving a cable and having a raised concave semi-circular portion adjacent said opening and a clamp capable of closing the other half thereof about said cable and means for holding same together and having posts forming a part of said box from the base thereof and extending half the depth of said sides, said posts being of the same material and forming a part of the same mould and having a connecting bridge of the same material and also forming a part of said mould, means for holding a contact plate on said bridge, said contact plate containing receptive grooves for receiving a plug and said box containing a cover of the same material as the sides and containing openings for the reception of the prongs of the plugs and means to connect same to the sides of the box.

Claim 36. An outlet box for electric wiring comprising, in combination, a container formed of moulded "Bakelite" material, having openings in the said container for the reception of electrical conductors and having a rised concave semi-circular housing adjacent said openings and forming a part of said mould and containing pin like surfaces and means for holding a clamp capable of closing the other half of said housing when a conductor is placed therein,
163 said container having means moulded therein for use as a receptable container, as herein described, and having means for attaching a cover to said receptacle, and also having means for attaching said container to a surface.

The references relied upon are:

Kettron	2,113,918	Apr. 12, 1938
Noyes	2,042,620	June 2, 1936
McGowan	838,886	Dec. 18, 1906

The Invention

The application is directed to an outlet box of Bakelite, porcelain, or similar material. It is provided with knockouts which may be removed to provide openings for the entrance of cables. Integral ledges with semi-circular depressions having upstanding teeth thereon are provided adjacent the cable openings on the interior of the box. A curved clamping member may be clamped against a cable seated in a depression by means of screws threaded into openings in the box located on each side of the depression.

The References

The Kettron patent shows an outlet box made of ceramic material. The applicant states in his specification, in effect, that Bakelite is regarded as an equivalent of porcelain, page 3, lines 1-3 inclusive. The Kettron patent is provided with knockouts of various shapes and sizes.

164 The Noyes patent shows an outlet box formed of Bakelite having a depression therein and a clamping piece L held against a cable by means of screws threaded in the Bakelite. Note Figure 4.

The McGowan patent shows that it is old to have the clamping seat for the cable integral and adjacent the cable opening.

The Rejection

Claims 27, 28 and 33 are regarded as unpatentable over the Kettron patent in view of Noyes since there is believed to be no invention in using the clamping means of Noyes in the Kettron box. It is customary to place the cable clamping means adjacent the cable entrance as evidenced by the McGowan patent, of record.

Claim 34 includes the projections to bite into the cable. However, the provision of roughened gripping surfaces or projections on the jaws of vises, pliers, pipe wrenches, etc. is such a common and well known mechanical expedient that this feature is not considered as adding anything patentable to the claim. Miller vs. Murray 1894 C. D. 461.

Claims 35 and 36 are also regarded as aggregational since there is no patentable relation between the cable clamping means and the fixture support means. There is no coaction between these means, and so far as
165 the cable clamps are concerned the fixture support could be omitted entirely and the box used as a pure connector box for the cables. Ex parte Smith 384 O. G. 725.

It is believed that the final rejection is proper and should be sustained for reasons noted above.

J. P. McDERMONTT
Examiner.

166 Endorsed: U. S. Patent Office Board of Appeals May 19 1941 Mailed

Appeal No. 37,764
Hearing:
May 6, 1941

In the United States Patent Office

Before the Board of Appeals

Ex parte William Morrill Parker

Application for patent filed March 7, 1938, Serial No. 194,327. Insulated Outlet Receptable and Junction Box and Units.

Mr. James J. Cannon for applicant.

This is an appeal from the decision of the examiner finally rejecting claims 27, 28, 33, 34, 35 and 36.

The following claim is illustrative:

27. In an article of manufacture as described comprising, in combination, an outlet box of insulating material, having sides which are circumferential shape with a unit base of the same material and containing openings in said base and sides, beneath said side openings are certain raised concave ridges shaped to hold a cylindrical cable and containing indentures and raised portions capable of gripping said cable and containing on each side of said ridges a hole to receive

a screw, a metal convex clamp containing like holes and capable of being held over said ridge and cable by screws through said holes fastening the cable in place in said container.

The references relied upon are:

McGowan	838,886	December 18, 1906
Noyes	2,042,620	June 2, 1936
Kettron	2,113,918	April 12, 1938

167 The invention is an insulated junction box. It comprises a box provided with openings in its base and sides. Beneath the side openings and within the box there are provided concave ridges shaped to receive cylindrical cables which are passed inwardly through the side openings. A metal convex clamp is arranged to overlie each cable and screws are provided at each end of the clamp to fasten it in place. These ridges and clamps thus serve to securely hold the cables from being withdrawn from the box. The box may be made of Bakelite.

Kettron shows a junction box made of ceramic insulating material. The box is provided with side openings for cables to be passed through, and also with a central porcelain cross bar to which the cables are anchored.

Noyes shows an electrical terminal structure made of Bakelite. The cables are secured in concave recesses in one part of the structure and are held therein by means of convex metal clamping bars. This patent therefore clearly suggests the use of cooperating concaved parts for securely holding the cables in place.

The McGowan patent discloses a junction box in which the cables are clamped in place in elongated inwardly extending thimbles by means of screws. These thimbles and screws will be quite effective in securing the cables in place. It is obvious that a portion of each thimble could be cut away at one side and a metal clamping strap could be used for clamping the cable in place instead of using a clamping screw.

168 It seems to us that the claims cover such an elementary construction that they are not patentable over this prior art. We are unable to see that any invention is involved in providing raised concave ridges and convex metal clamps at the inside of the side walls in Kettron in view of Noyes and McGowan instead of employing a cross bar for this purpose. Noyes clearly shows the use of a concave seat and a convex clamp for holding a cable securely in place. Any one skilled in the art would be taught that such a construction could be used in any junction box and serve the same purpose. McGowan teaches arranging such a construction at the side opening through which the cable enters the box.

Claim 35 includes posts on the base. This is merely an obvious addition as posts are quite often provided on junction boxes.

Applicant stresses the simplicity of the device in arguing that the claims are patentable. This is an argument of some weight but even this does not preclude the necessity that invention must be involved in making the device. We think that the prior art is adequate for any one skilled in this art to produce the claimed device from its teaching so that no invention is involved in making the claimed device.

The decision of the examiner is affirmed.

BOARD OF APPEALS

EUGENE LANDERS
Examiner-in-Chief

F. P. EDINBURG
Examiner-in-Chief

J. W. CLIFT
Examiner-in-Chief

Mr. James J. Cannon,
31 Abbington Terrace,
Glen Rock, N. J.

May 19, 1941

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169 Endorsed: Filed July 26 1943 Charles E. Stewart, Clerk

Order

In re Original Exhibits

On application of attorney for Plaintiff, consented to by attorney for Defendant, it is hereby ordered that the original exhibits, plaintiff's Exhibit 1 and Defendant's Exhibit 1, be transmitted to the Court of Appeals with the record in this Civil Action in lieu of copies.

DAVID A. PINE
U. S. District Justice.

On application of
RAYMOND J. MAWHINNEY
Attorney for Plaintiff.

Consented to by
W. W. COCHRAN
Attorney for Defendant.

July 22, 1943.

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170 Endorsed: Filed July 28 1943 Charles E. Stewart, Clerk

Order for Extension of Time

On request of counsel for Plaintiff, counsel for Defenddant consenting thereto, it is ordered that the time for filing the transcript of record in the Court of Appeals is extended to and including September 7, 1943.

DAVID A. PINE
U. S. District Justice.

On Application of
RAYMOND J. MAWHINNEY
Attorney for Plaintiff.

Consented to by
W. W. COCHRAN

Attorney for Defendant.

July 27, 1943.

* * * * * * * * * *

171 Endorsed: Filed July 8 1943 Charles E. Stewart, Clerk

Stipulation
(Designation of Record)

It is hereby stipulated by and between the attorneys for the respective parties hereto that the following is the list of papers to be included in the designation of record:

a. Complaint
b. Answer to Complaint
c. Opinion of Judge Jennings Bailey
d. Findings of Fact and conclusions of law.
e. Final Judgment
f. Notice of Appeal
g. Reporters transcript of testimony
h. Plaintiff's Exhibits (Physical Exhibits)

Exhibits #2 and #4 Kettron Box, one with web intact, other with web broken

Exhibit #3 box in suit

Exhibit #5 Noyes—"submitted with briefs as also was Exhibit #6 McGowan)

Exhibit #1—File Wrapper

i. Defendant's Exhibit #1.

RAYMOND J. MAWHINNEY
Mawhinney & Mawhinney
Attorneys for Plaintiff

W. W. COCHRAN
Attorney for Defendant

JAMES J. CANNON
Of Counsel for Plaintiff.